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THE
HISTORY OF ENGLAND

UNDER THE
HOUSE OF STUART,
INCLUDING THE COMMONWEALTH.

[A.D. 1603—1688.]

PART I.

JAMES I.—CHARLES I.

Edinburgh, 1840.

UNDER THE SUPERINTENDENCE OF THE SOCIETY FOR THE DIFFUSION OF
USEFUL KNOWLEDGE.

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P R E F A C E.

THE condition of England under the House of Stuart exhibits that point in our progress as a nation, toward which all the previous changes in English history converged, and from which the leading events of subsequent times have derived their complexion. If well understood it leaves little to be explained in relation either to the past or the present. The interval from 1603 to 1688 was marked by the appearance of great men, by great events, and above all by a protracted struggle in the cause of great principles. It has been my aim that the present publication should not be deficient in any matter properly belonging to a complete history of that period; but my special attention has been directed to the history of political and religious parties, and to the progress of affairs as affecting the settlement of order, law, and liberty at the Revolution. It is now more than ten years since I began the study of this subject with a view to authorship. In committing the result of my labour to the judgment of the public, I should have less anxiety if I could feel as satisfied with the execution of the work, as with the extent of my efforts to acquaint myself with the best sources of information, and the sincerity of my solicitude to make a candid and a wise use of the knowledge thus obtained. No attempt has been made to conceal my own views with respect to the great questions at issue in those times; but in defending principles which I believe to be of the greatest importance to our social welfare, I have been anxious to avoid all unfairness toward the parties by whom those principles have been assailed. In this spirit my labour has been prosecuted,—not with the expecta-

tion of giving entire satisfaction to thorough partisans of any class, but in the hope of producing a work which might contribute, however imperfectly, toward a more general diffusion of sound views with regard to the great facts in our national history.

ROBERT VAUGHAN.

Notting Hill, May 30, 1840.

CHRONOLOGICAL TABLE

OF

CONTENTS.

JAMES I.

- A.D.**
1603. Accession of James I. the result of popular feeling, 1 ; the elevation of James regarded with some apprehension by all parties, 3 ; the Catholics, *ib.* ; the prelates and court clergy, 4 ; the Puritans, 5 ; correspondence of James with persons in the English court before his accession, 6 ; James proclaimed the successor of Elizabeth (March 24), 7 ; the progress of the king from Edinburgh to London, 8 ; council formed, 9 ; a proclamation issued for correction of abuses, 10 ; distribution of honours, *ib.* ; arrival of ambassadors, *ib.* ; state of Europe, 11 ; peace concluded with Spain, 12 ; State of Protestantism in Europe, 13 ; effect of the ecclesiastical and political condition of Europe on the spirit and conduct of the house of Stuart, *ib.* ; court intrigues—Raleigh plot, 14 ; Markham's plot to seize the person of the king, 15 ; the conspirators apprehended, *ib.* ; trial of Cobham and Grey, 16 ; and of Raleigh, 17—20 ; petition of the Puritans (April), 20 ; conduct of the universities, 21
- 1604.** Conference at Hampton Court (Jan.), 22—25 ; effect of this conference, 26 ; meeting of parliament (March 19), 27 ; the king's speech, *ib.* ; address of the commons, 28 ; they claim the sole authority of judging with respect to elections, 29 ; union with Scotland—case of the Bishop of Bristol, 30 ; the revenue, 31 ; dispute respecting the exemption of members from arrest, *ib.* ; necessities of the government, *ib.* ; subsidy delayed, and parliament prorogued (Feb. 7), 32 ; conduct of the commons at this juncture examined, *ib.* ; civil grievances, 33 ; religion, *ib.* ; strong prejudice of James against the Puritans, 34 ; conduct of the Puritans, how far censurable, 35, 36 ; proceedings in the houses of convocation, 37 ; relation subsisting between the civil and ecclesiastical states in the English constitution, *ib.* ; theory of Elizabeth on this subject—how regarded by the commons, and by her ministers, 38 ; ground on which the Puritans complained of their grievances as being contrary to law, 39 ; attempt of James to augment the power of the convocation, 40 ; proceedings of the convocation on the accession of Elizabeth and James compared, *ib.* ; severity of the regulations adopted in the convocation of 1604, *ib.* ; enlightened sentiments of the Bishop of St. David's, 41 ; James obtains unconstitutional aid from the judges and his council, *ib.* ; character of the Puritans according to the tolerant Archbishop of York, 42 ; persecution of the Puritans, 43—45 ; importance of correct views with regard to the Puritan controversy, 45 ; case of Pound, a Catholic, 46 ; state of the English Catholics, 47 ; the gunpowder conspiracy—Catesby, 49 ; the plot disclosed to Winter (March), 50 ; and to Fawkes, Percy, and Wright, *ib.* ; house taken in the name of Percy (Dec. 11), 51
- 1605.** Parliament prorogued (from Oct. 3 to Nov. 5), 53 ; Sir Everard Digby and Francis Tresham, *ib.* ; ulterior plans of the conspirators, *ib.* ; Fawkes and Catesby (Oct. 11—26), 54 ; letter to Lord Monteagle (Oct. 26), 54—56 ; 5th of Nov., seizure of Fawkes, 56 ; flight of the conspirators, *ib.* ; trial and execution, 57 ; case of the Jesuit missionaries, *ib.* ; meeting of parliament (Nov. 9), 58 ; impression made by the king's speech, 59 ; parliament prorogued, 60

- A.D.
1606. Re-assembled Jan. 21, *ib.*; the penal laws against Catholics made more severe, *ib.*; the justice of these penal laws considered, 61; death of Henry IV. of France (May 4, 1610), 62
1607. Necessities of the government (Jan. 21), 63; connexion between the granting of supplies and the redress of grievances, *ib.*; a supply obtained, 64; parliament prorogued (May 27), 65; re-assembled—the king's speech, *ib.*; question of the union with Scotland—motives of the king in urging it, 66; difficulties of the measure, *ib.*; report of the commissioners, *ib.*; the proposal resisted by the commons, 67; mixed motives of the commons in this matter, 68; failure of the project, *ib.*; question of naturalization agitated, *ib.*; conduct of James—particularly adverse to an indulgence of his arbitrary temper, 69; his inclination to favouritism, *ib.*; Philip Herbert, the favourite (1604), 71; extravagant gifts to royal favourites, 72
1610. Cecil—his character and difficulties, *ib.*; necessity of re-assembling the parliament (Feb. 15), 73; proposal of the government with regard to the revenue, 74; disputes between the common lawyers and the civilians, *ib.*; a publication by Dr. Cowell, the civilian, censured by the commons, 75; dispute respecting imposts, 76; extravagant maxims of James with regard to his prerogative, *ib.*; spirited conduct of the commons, *ib.*; the question as argued by both parties, 77; proposed abolition of some feudal burdens, *ib.*; James displeased, and the parliament dissolved (Oct. 16), 78
1612. Death of Cecil (May 24), *ib.*; his condition as a statesman and courtier—described by himself, 79
- 1610-14. Interval between James's first and second parliament, 80
1611. James's theological disputes—oath of allegiance, *ib.*; altercation with the States-General respecting Vorstius, 81, 82; synod of Dort (1619), 82
1612. Death of Prince Henry (Nov. 6), 83
1613. Marriage of the Princess Elizabeth (Feb. 14), 84; rise of Carr, the new favourite, *ib.*; his connexion with the Countess of Essex, 86; perplexities of the government, 87
1614. The king's second parliament convened, 88; Attempt of the "*undertakers*," *ib.*; speculation of the king on the impolicy of religious persecution, 89; arbitrary language of the king's speech (April 5), *ib.*; debate on the question of impositions resumed, 90; parliament dissolved (June 7), 91; opposition between the spirit of the court and the nation, *ib.*; tyrannical conduct of the king (June 8), *ib.*; rise of Villiers, *ib.*; fall of Somerset, 92; arrest of Somerset and the Countess, *ib.*; and of their accomplices, 93; trial and fate of these persons, *ib.*; Archbishop Abbot's advice to Villiers—progress of the favourite, 94; conduct of James and Somerset towards Raleigh, 95
1616. Raleigh liberated through the influence of Villiers, 96; indulges the project of a voyage to Guiana, *ib.*; conduct of the Spanish ambassador, 97; aggression of
1618. the Spaniards at St. Thomas's, 98; failure of the enterprise, *ib.*; arrest of Raleigh, 99; proceedings against him, *ib.*; put to death as a peace-offering to Spain, 100, and *note*; his character and demeanour in his last moments, 101-103; government of James in Ireland, 103; state of the Irish Catholics, 104; great improvement in the laws respecting offences and property, *ib.*; plantation of Ulster, 105; evils attending subsequent proceedings, 106
1615. Ecclesiastical affairs in Scotland, 107; small progress of episcopacy in Scotland, *ib.*; James visits that kingdom, *ib.*; impolicy of the king's proceedings with regard to religion in Scotland, 108; ecclesiastical affairs in England, 109; Catholics, *ib.*; progress of the controversy between the Puritans and the court clergy, *ib.*
1610. The primacy of Bancroft, 110; attack on the high commission court, 111; origin and constitution of the high commission court, 112; the parliament of 1610

- A.D.** complain against it, 114 ; progress of separation from the established church, 115 ;
1614. the Puritans consist of two classes at this time, *ib.* ; doctrine of the Puritans respecting the province of the magistrate in regard to religion, 118 ; death
1610. of Bancroft—primacy of Abbot, 120 ; new translation of the Scriptures com-
1618. pleted, 121 ; Legate and Wightman put to death on a charge of heresy, *ib.* ; The
1622. Book of Sports, 122 ; passive obedience inculcated by the University of Oxford, and by the king, 123 ; Calvinistic tenets discountenanced at court, *ib.* ; rise of the doctrinal Puritans, *ib.* ; origin of the Brownists, 124 ; their tenets with regard to church polity, *ib.* ; their opinion respecting the church of England, 125 ; their loyalty, *ib.* ; notice of Robert Brown, 126 ; number of the Brownists, 127 ; their confession of faith, and vindication of their conduct, 127—129 ; some of the exiled Brownists transport themselves to America, 129 ; origin of the Inde-
1616. pendants, 130 ; rivalry of Coke and Bacon, 131—133 ; case of Peacham, 133 ;
1614. case of Owen, 134 ; court of chancery, *ib.* ; dispute between Coke and the sove-
1615. reign relative to a proceeding in the king's bench, 135 ; Coke is suspended from
1617. his office as chief-justice, 136 ; admitted to a place in the privy council, *ib.*
1621. The fall of Bacon, 136 ; the parliament of (Jan. 30), after nearly ten years' interval, 137 ; case of the Elector Palatine, *ib.* ; opinion and conduct of James respecting it, 138—141 ; proceedings in parliament (Jan. 30), 141 ; question of the imprisonment of members, 141 ; and of monopolies, 142 ; impeachment of Mompesson and Mitchell, 143 ; prosecution of Yelverton, *ib.* ; conduct of Buckingham towards the Earls of Dorset and Southampton (March), 144 ; the question of imposition, 145 ; great excitement at this time, 146—148 ; parliament re-assembled, 148 ; dispute between James and the commons respecting the privileges of parliament, 148—150 ; protest of the commons concerning their rights, 150
1622. Parliament dissolved (Jan. 6), 151 ; object of James in these proceedings, *ib.* ; imprisonment of members—popular discontent, *ib.* ; Digby's negotiations with Spain, 152 ; policy of Buckingham at this juncture, 153 ; his project of a journey with the prince to Spain, *ib.* ; obtains the concurrence of James, 155 ; advantage taken of Charles's presence at Madrid, 157 ; offence given to Buckingham, who employs himself to prevent the match, *ib.* ; Charles concurs in this policy, 158 ; James induced to be a party to it, *ib.* ; the match is abandoned, 159 ; new
1623. policy of Buckingham, *ib.* ; a new parliament (Feb. 12), *ib.* ; duplicity of James, 160 ; statement of Buckingham to the parliament, *ib.* ; Bristol is silenced—war is declared against Spain, 161 ; proceedings in parliament—impeachment
1624. of Cranfield, Earl of Middlesex, 162 ; failure of the enterprise under Count Mansfield, 163 ; Negotiation concerning the marriage of Charles to Henrietta, *ib.* ; death of James (March 27), 164 ; character of James I., 164—167 ; leading principles of the English constitution, 168 ; its provision with respect to the imposing of taxes sometimes infringed, by the exaction of loans and benevolences, *ib.* ; conduct of Elizabeth with regard to loans and benevolences, 169 ; legislative power of parliament sometimes infringed by means of proclamations, 171 ; freedom of debate in parliament imperfect, 172 ; administration of justice, 173—176 ; liberty of the subject, 176 ; court of star-chamber, 177—180 ; court of high commission, 180 ; dispensing power, 181 ; testimonies of Aylmer, Hooker, and Sir Thomas Smith to the nature of the English constitution and government, 182—184 ; commerce, 185 ; manners of the court, 188—193 ; state of manners and society in London, 193 ; society in the country, 197 ; state of literature, 198 ; the arts, 201 ; architecture, *ib.* ; science, 202.

CHARLES I.

1625. Character of Charles I. on his accession, 204, 205 ; a new parliament, 206 ; state of parties—the lords, *ib.* ; the commons, *ib.* ; the court party, 207 ; the

- A.D. country party, including the Puritans and patriots, *ib.*; Puritans and patriots, 207—209; proceedings of parliament (June 21), 209; petition against Catholics—Dr. Montague, 210; cautious temper of the commons, 210—212; the recess—proceedings at Oxford (Aug. 1), 212; English ships employed against Rochelle, 213; delays in the commons—impatience of the king, *ib.*; parliament dissolved (Aug. 12)—conduct of this parliament considered, 214; armament against Cadiz, 215; disagreement with respect to the queen's attendants, *ib.*;
1626. negotiations with foreign powers, 216; preparations for assembling a second parliament, 217; March, July, conduct of Charles towards Arundel, 218; and Bristol, 219; impolicy of these proceedings, 220; the commons (March 27), 221; impeachment of Buckingham (May), *ib.*; parliament dissolved (June 15), 223; nature of the dispute between Charles and the commons, *ib.*—225; expedients of the government to raise money, 225; misfortunes of the Elector Palatine—hopes of the court (Sept.), 226; a forced loan, 227; oppressive conduct of the government, *ib.*; the liberty of the subject argued before the judges (Nov. 7—27), 228; unconstitutional decision of the judges (Nov. 27), 229;
1628. war with France, 230; financial difficulties—third parliament, 231; Charles anxious to put an end to a free government, 232; excitement at the elections, 233; meeting of parliament (March 17), *ib.*; proceedings in the commons, 234; petition of right, 235; difficulty and insincerity of the king respecting it, *ib.*; perseverance of the commons (June 5), 236; the royal assent obtained (June 7), 237; further measures of the commons, *ib.*; parliament prorogued (June 26), 238; importance of the petition of right, *ib.*; fall of Rochelle, 239; death of Buckingham by an assassin, *ib.*; means employed to corrupt the opponents of
1629. the court, 241; apostacy of Wentworth, 242; proceedings in parliament (Jan. 20), 243; religious grievances—case of Manwaring, *ib.*; rise of Laud, 245; objects of the Laudian clergy, *ib.*; dispute concerning the power to decree rites and ceremonies (Jan. 27), 246; complaints of the increase of Popery, 247; duplicity of Charles with respect to the printed copies of the petition of right, *ib.*; disputes between the king and the commons, 248; proceedings in the commons on the 2nd of March, 249; parliament dissolved, 250; conduct of the commons towards Charles considered, *ib.*; policy of Charles at this juncture, 252; his proclamation, *ib.*; members of the commons imprisoned, 253; death of Sir John Eliot, 255
- 1629—40. Natural division of the reign of Charles I., 258
1629. Peace with France and Spain (May). 259; illegal methods of raising money,
1630. 260; compulsory knighthood, 261; the forest-laws revived, 262; monopolies, *ib.*;
1634. abuse of proclamations, 263; ship-money, 264
1637. John Hampden, 266
1630. Proceedings in the star-chamber—Leighton, 268
1632. Case of Prynne, 269
1635. Case of Bastwick, 270; case of Burton, *ib.*
1637. Different sentiments of the people and the government in regard to these prosecutions, 271
1628. Proceedings in the star-chamber against Bishop Williams protracted to the year 1639, 272
1629. Prosecutions in the court of high commission, 273; case of Bernard (Jan. 28), 274; Smart and others, *ib.*
- 1629—40. Emigration to the New World, 275; checked by the government, *ib.*; intolerant conduct of the government towards the foreign Protestants settled in England, 276; disputes with respect to religious ceremonies, 277; disputes respecting the place of the communion-table, 278
1630. Ceremonies used in the consecration of St. Catharine's church, 279; the case of Sherfield, 280

- A.D.
1632. Hostility of the ruling clergy to the common law, 281; controversy respecting the observance of the sabbath, *ib.*
1634. Restraints laid upon preaching, 282—284
- 1629—40. Prevalent fears with regard to another Catholic ascendancy, 284; project of an accommodation with the church of Rome, 286—288; the universities, 288; general state of the country (from 1629 to 1640), 288—290
1625. Change of religious feeling in Scotland, 290
- 1626—28. Revocation of tithes and benefices, 291
1633. The king's visit to Scotland (June), 293; a parliament (June 19—27), 294; arbitrary and unjust conduct of the monarch, *ib.*; discontent excited among the Scotch nobility, clergy, and others, *ib.*
- 1634—35. Case of Lord Balmerino, 295; conduct of the Scottish bishops, 296
1636. The book of canons, 297
1637. The liturgy, 297, 298; disturbances at Edinburgh on the reading of the liturgy (July 23), 299, 300; protest against the king's proclamation—institution of the tables, 301
1638. The covenant (March 1), 301; concessions at length made by the king, *ib.*; these concessions made without success—and why, 303; the Scotch parliament refuse to separate (Dec. 4), *ib.*; preparations for war, 304—306; pacification of Berwick, 306
1639. Acts of the new general assembly (Aug. 12), *ib.*; meeting and prorogation of parliament (Aug. 31), 307; resolution to call a parliament in England, *ib.*; proceedings in parliament, 309; speech of Grimstone, *ib.*; speech of Pym, 310; interference of Charles and the lords, 311; parliament dissolved (May 5), *ib.*; object of Charles and of the commons, *ib.*; the king returns to arbitrary measures, 312; the Scots enter England—dispersion of the English at Newburn (Aug. 29), 313; council of peers at York—treaty of Ripon, *ib.*
1640. Feeling of the nation on the meeting of the long parliament, 314; proceedings in parliament—the king's speech (Nov. 3), 315; choice of the speaker, *ib.*; speeches of the members—Rudyard, *ib.*; speeches in parliament printed for the first time, 317; restoration of silenced ministers, *ib.*; committee for proceeding against scandalous clergymen, 318; prosecution of the Bishops Wren, Peirce, and Dr. Cosins, 319; case of Cosins, *ib.*; impeachment of Strafford, 320; impeachment of Laud (Dec. 18), 321; Windebanke, 322; Finch (Dec. 23), *ib.*; release of Prynne, Bastwick, and Burton (Nov. 28), *ib.*; important measures adopted by the commons, 323; bill for triennial parliaments (Jan. 19), 324; courts of star chamber and high commission abolished (March 10), *ib.*; attack on the hierarchy (Jan.), 325; the Covenanters had no just notion of religious toleration, *ib.*; the Independents, 326
- 1629—40. Review of these proceedings, 328—332; conduct of Strafford, 332—335; Strafford's impeachment and trial (1639), 335—340
1641. His execution (May 12), 340; observations on his case, 341—344; character of proceedings in the long parliament from this period, 344; the king's visit to Scotland, 345; massacre in Ireland (Oct.), *ib.*; the "*incident*," 346; affairs in England during the absence of the king, 347; schism among the parliamentary leaders, 348; the king entertained by the citizens (Nov. 25), *ib.*; Remonstrance of the parliament, 349; distrust of the king, 350; impeachment of the bishops, *ib.*; impeachment of the five members, 351; the king comes to the house to seize them, 352
1642. Triumph of the parliament, 353; claim of the parliament to have command of the militia (Jan. 20), 354; attempt of the king to seize Hull and its magazine (April 24), 356; the *nineteen articles* (June 2), 357; petitions, *ib.*; conduct of the queen, 359; declaration of Charles and the peers at York, 361; nine royalist peers impeached (June 15), 363; the great seal removed to York, *ib.*; siege of

- A.D. Portsmouth, 364; the king raises the standard at Nottingham (Aug. 22), *ib.*; the justice of civil war considered, *ib.*; moderate professions of the royalists, 365; views of the parliament, 366; state of the kingdom, 369; the royalists, *ib.*; the parliamentarians, 370; connexion of the controversy with religion, 371; battle of Edge-hill, 372; negotiation at Colnbrook, 374; action at Brentford, *ib.*; negotiation at Oxford, 375; arrival and impeachment of the queen, *ib.*; Edmund Waller's plot, 376
1643. Military occurrences, 376; death and character of Hampden, 377; first battle of Newbury, 379; death and character of Falkland, 380; treaty between the parliament and the Scots, 382; the Scots insist on the adoption of their covenant, 383; evil consequences of this treaty, 384; death and character of Pym, *ib.*; Charles obtains assistance from Ireland, 385; the Scots enter England, 386; parliament at Oxford, *ib.*; battle of Marston Moor (July 1), 387; capitulation of the army under Essex (Aug.), *ib.*; third battle of Newbury (Nov. 9), 388; dissensions in the army of the parliament, *ib.*; Oliver Cromwell—some account of him, *ib.*; intrigue against Cromwell, 390; power of the
1645. Independents, *ib.*; self-denying ordinance, 391; the army new modelled, *ib.*; Cromwell becomes exempted from the self-denying ordinance, *ib.*; battle of Naseby (July 14), 393; disunion among the leaders of both parties, 394.
- 1642-45. Character of Ruthen, the commander-in-chief, 395; Prince Rupert, *ib.*; Lord Wilmot, 396; Sir Ralph Hopton, *ib.*; Sir Jacob Astley, 397; Lord Digby, *ib.*; Sir John Colepeper, 398; Duke of Richmond, *ib.*; Marquis of Hertford, 399; Earl of Southampton, *ib.*; Earl of Leicester, 400; Earl of Bristol, *ib.*; Earl of Newcastle, *ib.*; Lords Dunsmore, Seymour, and Saville, Secretary Nicholas, 401; Parliamentarians—the Earl of Northumberland, 402; Earl of Pembroke, *ib.*; Earl of Essex, 403; Earl of Salisbury, 404; Earl of Warwick, *ib.*; Earl of Holland, *ib.*; Earl of Manchester, 405; Lord Say, 406; Sir Harry Vane, *ib.*; diversity of character everywhere called forth by the conflict, *ib.*; methods of raising money, 407; ecclesiastical affairs—relative position of the civil and ecclesiastical power, 408; assembly of divines, *ib.*; the Erastians, 409; the Presbyterians, 410; the Independents, *ib.*; new directory, 412; proceedings with respect to the Episcopalian clergy, *ib.*
1643. Trial of Laud, 413
1645. Execution of Laud (10 Jan.), 414; treaty of Uxbridge, *ib.*; depressed state of the royalists, 415; publication of the king's letters, 416; propositions for peace, 417; change in the state of parties, *ib.*; messages from the king, 418
1646. Commission of Glamorgan, 419-421; new overture from the king, 422; escape of Charles from Oxford, 423; he surrenders himself to the Scots (5th May), 424; general view of affairs at this period, 425; passive conduct of the king, 426; he adheres to episcopacy, 427; his dispute with Henderson, *ib.*; position of the king with respect to the two great parties, 428; he rejects the propositions, *ib.*; Charles meditates an escape from the Scots, 430; comparative strength of the Presbyterians and Independents in the commons, *ib.*; Presbyterian form of church government established, *ib.*; modifications imposed by the Independents, 431; dissatisfaction of the Presbyterian clergy, *ib.*; their intolerance, 432; several of the rejected propositions passed as ordinances, *ib.*
1647. Scots surrender the king to the English parliament, 432; relative position of parties in England from this time, 433; confidence of the Presbyterians, *ib.*; complaints of the army, 435; its first advance towards the capital, *ib.*; deputation from the parliament (20th March), *ib.*; violent conduct of the Presbyterians, 436; second deputation, *ib.*; the officers interdicted from acting for the men in regard to their grievances, 437; rise of the agitators, *ib.*; letter presented by them to the generals and the commons, 438; a third deputation, *ib.*; votes to disband the army (25th May), 439; further advance

- A.D. of the army—refusal to disband, *ib.*; conciliatory votes of the two houses (3rd June), 440; the army obtain possession of the king's person, *ib.*; engagement adopted by the army, *ib.*; another deputation from the parliament—determination of the army to proceed to London, 441; submission of the city and parliament (June 12), 442; declaration of the army—accusation of eleven members, *ib.*; the army at Uxbridge (June 25), 443; excitement in the city (July 20), 444; votes extorted from the parliament by tumult, *ib.*; scheme for the settlement of the constitution proposed by the army (August 2), 445; submitted to the king, and rejected (July 24—26), 446; the speaker and many members from both houses withdraw to the army, 447; unfavourable position of the king after rejecting the proposals of the army, 448; negotiations renewed, *ib.*; intrigues of the king against the army (Oct.), 449; revolutionary temper of the army—the levellers, 450; check given to them, 451; rendezvous at Ware—mutiny suppressed (Nov. 16), 452; the king escapes from Hampton-court, 453; hostility of the army to him (Nov. 17), 454; four bills proposed as preliminary to a settlement (Dec. 14), 455; rejected by the king, (Dec. 28), 456; his hope of escape frustrated, *ib.*
1648. Vote of non-addresses (Jan. 3), 456; popular feeling in favour of the king, *ib.*; war declared in Scotland, 457; rising of the royalists in England, *ib.*; defeat of the Scots at Preston, 458; surrender of Colchester, *ib.*; death of Lucas and Lisle, 459; Cromwell in Edinburgh, *ib.*; state of parties in England, *ib.*; treaty of Newport, 460; menacing language against the king (Sept. 11), 461; Charles accepts the Newport propositions, 462; he is conducted to Hurst castle, *ib.*; members excluded by the military, (Dec. 6), 463; Cromwell returns from Scotland, *ib.*; conduct of the army in proceeding against the king considered, 464
1649. Trial of the king, 466; judgment pronounced against him (Jan. 27), 467; his preparation for death, 468; his execution, 469; his character, 469—472

THE COMMONWEALTH.

1649. Commonwealth established (Feb. 6), 473; its defective authority and difficulties, *ib.*; severities against the royalists, 474; execution of Holland, Capel, and Hamilton, *ib.*; character of these persons, 475; discontent in the army, 476; conduct of John Lilburne, *ib.*; Cromwell's expedition to Ireland, 477; his policy in that enterprise, *ib.*; siege of Drogheda and Wexford, *ib.*; cruelty and rapidity of his conquests, 478
1650. Proceedings in Scotland—landing of Charles II., *ib.*
1651. Scotland invaded, 479; the victory of Dunbar, 480; Cromwell debates with the Scots on points of theology, 481; Charles begins his march toward England, 482; the battle of Worcester, *ib.*; escape of the king, 483; conduct of Lilburne, 484; State of public feeling, *ib.*
1650. Arbitrary conduct of the government, 486
- 1649-1651. Disaffection of the Presbyterians, 487
1651. Execution of Love (Aug. 22), 488
- 1649-1653. State of religion under the commonwealth, 489; state of the universities, 490; Ireland, *ib.*
1651. State of Scotland, 491
- 1650-1652. Transactions with foreign powers—Portugal, 492; Spain, 493; United Provinces—causes of disagreement between the States and the Commonwealth, 494
1651. Letters of marque issued—the navigation act, 495
1652. Commencement of hostilities (May), 495

- A.D. War declared—victory of Blake, 496; victory of Van Tromp (Nov. 29), *ib.*;
 1653. defeat of Van Tromp, *ib.*; change in the apparent character of the English at this period, 497; excess of its spirit, *ib.*; conduct of Cromwell, 498; proceedings with regard to a new parliament, 499; character of the parliament at this time, 500; power of Cromwell—his views respecting the character of the government best adapted to the English people, 501; his difficulties—conferences with the officers, *ib.*; clause in favour of the Presbyterians, 501; stratagem of the parliament, 502; Cromwell proceeds to the house attended by soldiers, *ib.*; his speech—he forces the members to depart, 503; puts an end to the Council of State, 504; his conduct considered, *ib.*; Cromwell convenes the “*Little Parliament*,” 506; its character and proceedings (July 5), 507; hostility called forth by its measures, 508; its dissolution (Dec. 12.)

THE PROTECTORATE.

1654. Cromwell lord protector—the instrument of government, 509; Cromwell's
 1655. second parliament—its proceedings—hostile to him (Sept. 3), 510; parliament dissolved, 512
 1656. Unsettled state of the country, 513; conspiracy of the republicans, *ib.*; of the royalists, *ib.*; third parliament assembled (Sept. 17), 514; members rejected by the council, 515; Cromwell is urged to assume the title of king, 516; it is opposed by the council of officers, 517; hesitation of Cromwell, *ib.*; conference on the subject, 518; Cromwell inclines to accept, but finally rejects the title, *ib.*; the upper house restored, 519; excluded members restored to the lower house, 520; hostility of the commons to the upper house, and the protector, *ib.*; Cromwell dissolves the parliament, *ib.*; conduct of Cromwell in relation to the parties of his time considered, 521; character of his government, 522; institution of major-generals, 523; legislative power of the protector and council questioned, 524; difficult situation of Cromwell, 525; his transactions with foreign powers—United Provinces, *ib.*; Portugal, 526; execution of Don Pantaleon Sà, *ib.*; France and Spain—their relative positions, *ib.*; Richelieu and Mazarin, 527; Mazarin and Charles—parties to a plot to assassinate Cromwell, 528; his treaty with France, *ib.*; his peremptory language to the French government, *ib.*; complimentary deputation from Cromwell to Louis, 529; siege and victory of Dunkirk, *ib.*; keys of Dunkirk presented to the protector, 530; decline of the Spanish power in the Netherlands, *ib.*; maritime power of England during the protectorate, *ib.*; Cromwell's interference in behalf of the persecuted Vaudois, 531; their sufferings, 532; effect of the protector's interference, 533; state of religious toleration during the protectorate, *ib.*; institution of the triers—their office, 534; general effect of their labours, 535; increase of religious sects, 536; rise of the Quakers—notice of Fox, *ib.*; James Nayler, 538; the Ranters and Muggletonians, 539; fifth-
 1657. monarchy-men, 540; the Unitarians—John Biddle, 541; state of the Presbyterians, *ib.*; the Independents—national convention of that body at the Savoy, 542
 1658. Cromwell contemplates assembling another parliament, *ib.*; death of his daughter lady Claypole, 543; illness of Cromwell, 544; his death, *ib.*; his character, 545—549
 1659. Accession of Richard as protector, 549; difficulties of his situation, *ib.*; a parliament (June 27), 550; its proceedings, 551; divided state of the army, 552; disagreement between the army and the parliament, *ib.*; parliament dissolved (April 22), *ib.*; the long parliament recalled, 553; conspiracies and risings of the royalists, *ib.*; disputes renewed between the army and the parliament, 554; the parliament

- A.D. prevented from assembling by the military, *ib.*; policy of General Monk, 555; perplexities of the committee of safety; *ib.*; the long parliament recalled, 556; Monk arrives in London, *ib.*; is employed against the city, 557; declares in its favour, *ib.*; the excluded members restored, *ib.*; proceedings in parliament, 558; Monk confers with Sir John Granville concerning the restoration of the king, *ib.*; artful condition attached to the king's promises, 559; meeting of the convention parliament, *ib.*; continued duplicity of Monk, *ib.*
1660. The restoration, 560
Reflections, 560; state of manners, 563; parliamentarians and cavaliers, *ib.*; the revenue, 564; the army, *ib.*; commerce, *ib.*; the arts, 565; literature, 565—570.

CHARLES II.

1660. Addresses from the lords and commons to the king at Whitehall, 571; character of the king, 572; the council, 573; bill of indemnity—punishment of delinquents, 578; execution of the regicides, 579; proceedings against Colonel Lambert and Sir Harry Vane, 582; adjustment of property, 583; settlement of the revenue, 585; army disbanded, *ib.*; ecclesiastical affairs; 586; policy of the court, *ib.*; negotiations between the Presbyterians and the Bishops, 589; debate in the commons—the king's declaration (July 9), *ib.*
1661. New parliament (May 8), 590; its proceedings, 591; corporation-act, *ib.*; Venner's conspiracy, 592
1662. Savoy conference (March 25), 593; proceedings in the houses of convocation (May), 594; act of uniformity, 595; the act enforced, 596; conduct of the nonconformist clergy considered, *ib.*; Independents and Quakers, 597; English Catholics, 598
1661. Change of the national sentiment in relation to the established church, 598; its causes, 599; Charles meditates a suspension of the act of uniformity, 600
1663. King's declaration concerning his dispensing power, 600
1664. Enforcement of penal laws against Catholics (July 25), 602; the conventicle act, *ib.*
1665. The five-mile act, 603
1660. Proceedings in Scotland, 604
1661. A parliament, 605; its proceedings—episcopacy restored, 606; prosecution and death of Argyle and Guthrie, *ib.*; duplicity of Sharp—episcopacy restored, 608
1662. Affairs of Ireland, 609; growth of discontent, 610; necessities of the government, *ib.*; effect of the vices of the court on the ultimate liberty of the nation, 611; the king's marriage, *ib.*; scheme to make him independent of parliaments, 612; sale of Dunkirk, *ib.*
1663. The commons claim the right of inspecting the public expenditure, 613
1664. Call for war with the Dutch—large supplies voted, 614; change in the mode of taxation, *ib.*; its effect on the political power of the clergy
- 1665—The commons establish their right to appropriate supplies and to inspect public
1666. accounts, 615; origin of the war with Holland, 616; defeat of the Dutch on the 3rd of June, 619; produces no decided effect, 620; immoral aspect of the war, *ib.*; sea-fight of four days, 621; defeat of De Ruyter by Monk and Prince Rupert, 622
- 1666—Mistaken policy of the English government, 623; the Dutch on the Thames
1667. and Medway, *ib.*; end of the war, 624; general discontent, *ib.*; the plague—its course and extent, 625; its symptoms, 627; means employed to counteract it, *ib.*; its effect on the conduct of the people, 628; fire of London, its origin, 631; its progress and extent, 632; distress and consternation of the people, 634;

- A.D. conduct of the king and the court, 635; effect of the conclusion of the war on the popular feeling, *ib.*; unpopularity of Clarendon, *ib.*; death of Southampton, 636; fall of Clarendon unavoidable, *ib.*; abandoned by the king, 637; impeached by the commons, *ib.*; leaves the kingdom, 638; remainder of his days, *ib.*; change of the national feeling, 639; Louis invades the Netherlands, 640; secret treaty between Charles and Louis, 641
1668. Treaty of Aix-la-Chapelle, 642; the new ministry, 643; parliament—its intolerance, *ib.*; conduct of Buckingham, 646; great secret treaty between Charles and Louis, 647—649
- 1669—Parliament, 650; impeachment of the Earl of Orrery, *ib.*; the judicial power of
1670. the lords restricted, *ib.*; sufferings of the nonconformists, 651; the “*Cabal*,” 653
1670. Parliament (October 24), 655; assault upon Sir John Coventry, *ib.*; the lords not to alter a money-bill, 656: the exchequer closed, 658
1672. Attack on the Smyrna fleet, 658; declaration of indulgence, *ib.*; second Dutch war, 659; naval proceedings, *ib.*; battle of Southwold Bay (May), 661; progress of the French army under Louis, 663
1673. Parliament (Feb. 4), *ib.*; the commons oppose the king’s declaration of indulgence, 664; the king consents to cancel it, *ib.*; origin of the Test-Act, 665; bill to relieve the nonconformists—its fate, 666; character and policy of the country party, *ib.*; resignations produced by the Test-Act, 668; character and administration of Danby, *ib.*; the war, 669; parliament opposed to the marriage of the Duke of York, 669; the commons petition for a fast, 670; parliament prorogued, 671; Shaftesbury’s conduct as chancellor, 672; marriage of the Duke of York, 673; the commons renew their address for a fast, 674
1674. Proceedings against Lauderdale, Buckingham, and Arlington, 674—675; effect of these proceedings, 675; peace between England and Holland, 677; aspect of the French war, *ib.*; Charles obtains pecuniary aid from Louis, *ib.*; projects concerning the succession, 678
1675. Parliament—strength of the opposition in the commons, 680; address and debate on the recall of the English troops in the service of France, 684; debate on the non-resisting test, *ib.*; dispute between the lords and commons, 689
1676. New secret treaty between Charles and Louis, 690
1677. Long recess—shutting up the coffee-houses, 691; parliament—questions raised as to its legality, *ib.*; bill for the security of the church, 692; the progress of the war, 693; duplicity and perplexities of the king, 696
1678. Marriage between the Prince of Orange and the Princess Mary, 698; peace of Nimeguen, 704; intrigues of Louis, 706; extended to the country party—character of that proceeding, *ib.*; the popish plot, 708; Kirby’s warning to the king, *ib.*; Tonge’s information, 709; the subject taken up by Danby, *ib.*; and laid before the council, 710; Titus Oates, *ib.*; his depositions, 711; Coleman’s letters, 712; murder of Sir Edmundbury Godfrey, 713; conduct of the court, and of the country party, in relation to the plot, 714; parliament (October 21), 715; the Catholic Test Bill, 716; Bedloe comes forward as a witness, 717; Oates and Bedloe accuse the queen, 718; dispute on the question of the militia, *ib.*
1679. Parliament dissolved—its history and character, 720; trial and execution of Coleman and others, 721; new parliament, 722; dispute on the appointment of a speaker, 723; impeachment and fall of Danby, 724; the *plot*, 725; the exclusion bill, 728; the *Habeas Corpus* Act, 730
- 1662—Affairs of Scotland, 730; court of ecclesiastical commission, 732; military ty-
1679. ranny, *ib.*; insurrection—the insurgents defeated at Pentland—executions, *ib.*; change in the policy of Lauderdale—his severities and extortions, 735; letters of *intercommuning* (1679), 738; policy of the English court in relation to Scotland, *ib.*; battle of Loudon-hill—insurrection, 741; affairs of Ireland, 742—745

A.D.

1679. General state of affairs in England at the prorogation of parliament (in May), 746; Monmouth sent to quell the insurrection in Scotland, 747; his conference with the covenanters, 748; battle of Bothwell Bridge, 749: conference between the Scotch nobility and the government, 750; the plot—trial and execution of the five jesuits, 751; Langhorn, *ib.*; Wakeman—change in the disposition of the judges (July 18), 752; the triumvirate, 753; parliament dissolved, *ib.*; great excitement, 754; illness of the king, *ib.*; return of the Duke of York, 755: disgrace of Monmouth, *ib.*; parliament prorogued for more than twelve months, 756; the *Meal-tub* plot, 757; Essex and Halifax leave the court, 758; new ministry, 759; Lawrence Hyde, *ib.*; meeting of the parliament deferred—and of the council formed by Sir W. Temple, 760; origin of the petitioners and abhorers, and of the names Whig and Tory, 761—763; story of the black box, 763; Monmouth's progress—state of the government, 764
1680. The Duke of York presented as a recusant, 765; he leaves the kingdom, 766; meeting of parliament, *ib.*; the commons resume the question of the succession, 767; their proceeding against the abhorers, *ib.*; the Exclusion Bill, 769; debate upon it in the lords—the bill is lost, 771; the commons refuse supplies, *ib.*; trial and execution of Lord Stafford (Dec. 29), 773; king's speech to the commons, *ib.*; reply of the house, 774; parliament prorogued and dissolved, 775
1681. New parliament summoned (Jan. 18), 776; petition of the sixteen peers, *ib.*; proceedings in the city and in the court, 776, 777; case of Fitzharris, 777; meeting of parliament at Oxford (March 21), 778; policy of the king—his speech, *ib.*; proceedings in the commons, 779; debate on the Exclusion Bill, 780; parliament dissolved, 782; conduct of the king, *ib.*; reply of the exclusionists, 784; addresses to the king, 786; trial of Fitzharris, 787; election of sheriffs, 788; proceedings against College and Shaftesbury, 789; trial of College—acquitted in Middlesex (July 8), 791; condemned and executed at Oxford, 792; nonconformists excluded from serving on juries, 793; trial of Shaftesbury—he is acquitted, 794, 795; plan of seizing the city charters, 795; Charles renews his negotiations with Louis, 796; persecution of the nonconformists, *ib.*; prosecution of Argyle, 797
1682. Struggle on the election of the city sheriffs, 798; prosecution of Pilkington and Ward, 801; election of a mayor by the influence of the court, 802; arrest of Monmouth, *ib.*; changes at court, *ib.*; flight and death of Shaftesbury, 803; seizure of the city charter, 804; Rye-house plot—parties engaged in it, 806; its object discovered, *ib.*; arrests, 807; arrest of Lord Russell, *ib.*; trial of Walcot, Rouse, and Hone, 809; death of Lord Essex, *ib.*; trial of Lord Russell, *ib.*; he is condemned, 813; his execution (July 21), 814; the Oxford decree, 815; trial of Algernon Sidney, 817—822; his execution, 823
1684. Other trials, 823—826; correspondence between Charles and Monmouth, 826; foreign affairs, 827
1685. Illness and death of Charles, 827

JAMES II.

1685. King's declaration, 829; its effect, *ib.*; revenue collected without consent of parliament, 830; the cabinet, *ib.*; a parliament summoned, *ib.*; the king obtains pecuniary aid from Louis, 831; spirit in which it was received—policy of Louis, *ib.*; foreign relations—Spain, Portugal, 832; designs of the king, 833; penal laws concerning religion partially suspended, *ib.*; meeting of the Scottish parliament (April 23), 834; the king's letter, *ib.*; tyranny and cruelty of proceedings in Scotland, 835; origin of the insurrection under Argyle, 836; meeting of the English parliament (May 19), 837; the king's speech, 838; spirit and proceed-

- ings of the two houses, *ib.*; jealousy still concerning the safety of the church, 839; character of the party in ascendancy, 840; fate of the expedition under Argyle, 841; the earl made prisoner and executed, 842; landing of Monmouth, 844; his progress, 845—849; battle of Sedgemoor (July 5), 849; Monmouth and Grey made prisoners, 851; Monmouth's execution, 853; his character, 854; military executions by Faversham and Kirke, 854—856; commission of the judges, 856; trial of Mrs. Lisle, *ib.*; proceedings of Jefferies and the commission, 860; terror diffused by them, 861; these severities approved and encouraged by the king, *ib.*; trial of Cornish—his death—perjury of Rumsey, 863; trial of Mrs. Gaunt, 864; her execution, 865; case of Mr. Hampden, *ib.*; punishment by fines, 866; effect of the king's successes on his policy—Halifax dismissed, 868; meeting of parliament (Nov. 9), 869; declaration of the king on the test-laws, *ib.*; debate concerning the standing army, 870; the commons petition for the enforcement of the tests, 870, 871; debate concerning a supply, 871; the king's reply concerning the test-laws, *ib.*; animated discussion in the lords, 872; parliament prorogued, 873; Countess of Dorchester, 874
1686. James obtains the opinion of the judges on the dispensing power (Jan. 21), 875; court of high commission instituted, 876; controversial preaching forbid, *ib.*; prosecution of the Bishop of London, 877; attempts to make converts to the Catholic faith, *ib.*
1687. Affairs of Scotland and Ireland, 880; attacks on the church and the Universities, 881; resistance at the Charter-house, *ib.*; resistance at Cambridge, 883; case of Magdalen College, Oxford, *ib.*; the court, 885; revocation of the edict of Nantes, 886; declaration for liberty of conscience, 888; disappointment of the king—his appeal to the nonconformists, 889; their conduct, *ib.*; more decisive measures of the king, 890; seizure of charters—punishment of the non-compliants, 891; difficulties and determination of the king, 892; progress of affairs towards a crisis, 893; declaration of indulgence, 894; clergy required to read it from the pulpit, 895; petition of the bishops, *ib.*; the clergy in general refuse to read the declaration, 897; the bishops prosecuted and sent to the Tower, 898; bishops enlarged on their own recognisance, 900; their trial, 901; defence, *ib.*; reply, 904; opinion of the judges, *ib.*; the bishops acquitted, 905; birth of the Prince of Wales—conversion of Sunderland, 906; doubts concerning the birth of the Prince of Wales, *ib.*; attempt to gain the Dissenters, 907; appearances of disaffection in the army and navy, *ib.*; Prince of Orange—his connexion with English affairs, 908; league of Augsburg, 910; mission of Dykvelt, 911; invitation to William, 912; he puts to sea, and lands at Torbay, 913; conciliatory measures of the king, 914; the prince's declaration, *ib.*; feeling in his favour, 915; desperate state of the king's affairs, 916; flight of the queen—terms offered by the prince, *ib.*; flight of the king—his detention at Feversham, *ib.*; consequences of that event, 917; the king escapes to France, *ib.*; the convention parliament, 918; elevation of William and Mary to the throne, 919; character of the revolution of 1688, *ib.*
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HISTORY OF ENGLAND.

JAMES THE FIRST.

CHAPTER I.

Accession of James I. the result of popular feeling—It is anticipated with some apprehension by all parties—Catholics—the Prelates—Puritans—Correspondence of James with persons in the court of Elizabeth—He is proclaimed Elizabeth's successor—Progress from Edinburgh to London—Council formed—Proclamation against certain abuses—Distribution of honours—Arrival of ambassadors—State of Europe—Peace concluded with Spain—State of Protestantism in Europe—Effect of the political and ecclesiastical state of Europe on the spirit and conduct of the Stuart princes.

JAMES VI. of Scotland, afterwards James I. of England, was the son of Henry Lord Darnley and of Mary queen of Scots. His claim to the sceptre of England was founded on the marriage of James IV. of Scotland with Margaret, eldest daughter of Henry VII. The accession, however, of the first Stuart sovereign to the English throne was the result of circumstances more than of any strictly just pretension. The branch of the Tudor line on which the crown was settled by authority of parliament existed then, as it now does, in the house of Suffolk, but was passed over, partly from a preference on the part of the English queen, and still more from that of her subjects in favour of the Scottish king *.

Accession of James I. the result of popular feeling. 1603.

* The claim of the house of Suffolk rested on the following propositions:—1st. That Henry VIII., as king of England, with the advice and consent of parliament, might make statutes to limit the inheritance of the crown. 2dly. That a statute of the 35th year of that monarch empowered him to dispose of the succession by his last will, signed with his own hand. 3dly. That Henry executed such a will, by which, in default of issue from his children, the crown was entailed upon the issue of his younger sister, Mary duchess of Suffolk, before those of Margaret queen of Scots. 4thly. That such descendants of Mary were living at the decease of Elizabeth. The two first and the last of these propositions are indisputable. With respect to the third, a question was raised by the ministers of the Scottish queen, who insisted that the king being in the article of death did not sign the will with his own hand, as was required by the statute, but that some one put a stamp for him to the document. But the will itself, now to be seen in the Chapter House of Westminster, shows the falsehood of this allegation, as the two signatures attached to it are in writing, and in the opinion of some of the most competent judges are not feigned, but merely illegible in parts from being "drawn by a weak and trembling hand." There were descendants of Mary duchess of Suffolk, by her daughter Frances the second duchess of Suffolk, and by her younger daughter Eleanor countess of Cum-

Elizabeth had left the question of a successor in a great degree unsettled to her last moments, and her intimations on that subject even then were so equivocal, that little can be inferred from them, except that the aversion to all thought of transmitting her power to other hands, which had been so observable in her conduct through life, was not to be subdued by the too certain approach of death*. As far as her inclination could be ascertained, it no doubt pointed towards her kinsman of Scotland. It is a fact, however, worthy of distinct notice, that the elevation of the house of Stuart to the throne of these realms followed much less from descent, or from any nomination on the part of the last of the Tudors, than from the choice of the people. Hence grounds were not wanting on which to have represented the accession of the Stuart family as an act of usurpation, had not the voice of the nation been stronger than the voice of the law. It should be remembered, moreover, that the terms on which James became possessed of the throne of Scotland are liable to a similar imputation; the popular feeling, in contravention of what was called the divine right, having deposed his mother in favour of himself. It is true this state of things in Scotland commenced when James was a minor, but it continued to exist when he had ceased to be such†.

berland. The only room for dispute here is as to which of the daughters may be regarded as supplying the hereditary stock; if the eldest be taken, the right will be in the present duchess of Buckingham; if the younger, in the present marquis of Stafford. The reader desirous of prosecuting this rather curious inquiry will be assisted in doing so by Linder's Essay on the Right of Succession to the Crown in the reign of Elizabeth; by Bedford's Hereditary Right Asserted; and Hallam's Constitutional History of England, i. 307—317. The "Will" of Henry may be seen in Nicolas's Testamenta Verusta, i. 37—44. The topic is one that would be merely curious, but for its marked opposition to the reigning feeling of the House of Stuart—a hatred of all dependance on popular suffrage.

* Hume says that "Elizabeth with her dying breath recognised the undoubted title of her kinsman." (c. xlv.) But an eye witness speaks with much less decision. "She was speechless when the council proposed the King of Scots to succeed her, but put her hand to her head as if in token of approbation." Earl of Monmouth's Memoirs, p. 176. and Pref. xi xii. D'Israeli's Curiosities of Literature, second series, iii. 107, 109. Birch's Memoirs, ii. 506, 508. The above account is that also of Beaumont the French ambassador. See extracts from his manuscript despatches in Raumer's History of the XVIth and XVIIth Centuries, illustrated by Original Documents, ii. 188, 189, 194. The statement of Cecil in the page of Raumer's Illustrations last cited, as to what Elizabeth had said to him in confidence on this subject some days before, deserves little confidence.

† Coke's Detection of the Court and State of England, i. 37-48. On this question of hereditary right to the crown it may be well to cite the judgment of Montesquieu. "When a certain order of succession in a kingdom, determined by statute," says this writer, "becomes destructive to the body politic for whose sake it was established, there is not the least room to doubt but another political law may be made to change this order; and so far would this law be from opposing the first, it would in the main be entirely conformable to it, since both would depend on this principle, that the safety of the people is the supreme law." (Spirit of Laws, ii. 218.) And precisely to this effect had the course of things been in this country from the earliest times, the claim of blood being allowed to constitute the rule, but a rule which was made to give place whenever some stronger claim—or the supreme law of the public good was supposed to require it. James, however, was careful to place his right to the English sceptre on the sole ground of his being "lineally descended from both

It was then the voice of the nation principally which called the Stuart princes to the English throne. It must not be concluded, however, from this circumstance, that the event was anticipated without apprehension. On the contrary, it was regarded with a mixture of hope and fear by the nation at large, and by each of the great parties into which the nation was divided. During the long reign of Elizabeth, the predictions entertained as to the probable consequences of her decease were many and various; but some time before her death the Scottish king was generally viewed as the person to whom her power would be transferred. This was the course of affairs to be anticipated with least alarm, though it was one by no means without its difficulties. Strictly speaking, there was no *political* party at this time, all the elements of party feeling in this age being mainly of a *religious* origin and complexion.

During the later years of Elizabeth, James had been frequently engaged in secret correspondence with the Catholic powers, and with emissaries of that communion from England, and had not been scrupulous either in his professions or promises on such occasions, in the hope of conciliating parties who were naturally viewed as jealous of his pretensions. The expectations of the English Catholics were raised considerably from this source; at the same time the Protestant prepossessions of James were so far indicated as to create perplexity, while those of his Scottish subjects, and of the great majority of the people of England, were known to be of the most determined and even turbulent character. There was room accordingly to fear that the new king of England would be wanting both in the energy and the means requisite to effect any great improvement in the condition of his subjects professing what was called the ancient faith. The utmost that could have been reasonably expected by this party was some mitigation of the severe penal code which the temper and occurrences of the past reign had called into existence against them, though it is highly probable that the promises of James warranted a larger anticipation. Since the death of the Queen of Scots, and the fate of the Spanish Armada, none but the most fanatical could have looked to the return of a Catholic sovereign as at all probable*.

crowns." His flatterers did much to strengthen him in this delusion; and one of the first acts of his first parliament was to make themselves parties to it. It is from this last source that Hume has adopted his account of the king's "undoubted succession." King James's Works, pp. 485, 488. Stat. Jac. c. i.

* Birch's Historical View of the Negotiations between the Courts of England, France, and Brussels, p. 177, 8vo. Winwood's Memorials, i. 1, 15, 52, 108. D'Ossat's Lettres, i. 221, 224, 293. Birch's Memoirs, i. 109, 215, 216, 263, 407, 418, 420, ii. 306. Camden's Elizabeth, 656, 669. Strype, iv. 111. See the letter from James to the pontiff, in Rushworth, i. 166. Upon the whole, there were times when the Protestants, both of Scotland and England, strongly suspected the king of an inclination towards Popery; while Catholics, both at home and abroad, were evidently impressed with the unwelcome conviction that he was not to be trusted in such matters. And there was enough, as the above documents show, to warrant the sus-

Notwithstanding these somewhat favourable circumstances, the bishops of the Anglican church, and the court clergy generally, were not without much painful suspicion with respect to the possible preferences of their future sovereign on the matters both of doctrine and discipline. That James had not embraced the religion of his mother was generally believed; but it was as much feared by the party adverted to that he had failed to discern the excellencies of a middle course; in other words that, avoiding Popery, he had become in some degree infected with Puritanism. So late as the year 1590, the king, standing uncovered in the presence of the General Assembly at Edinburgh, and with hands lifted up to heaven, exclaimed that "He thanked the Almighty that he was born in the time of the light of the gospel, and in such a place as to be king of such a church, the sincerest kirk in the world. The church of Geneva keep Pascha and Yule (Easter and Christmas), what have they for them? They have no institution. As for our neighbour kirk of England, their service is an evil said mass in English; they want nothing of the mass but the liftings. I charge you, my good ministers, doctors, elders, nobles, gentlemen, and barons, to stand to your purity, and to exhort the people to do the same; and I, forsooth, as long as I brook my life, shall maintain the same*." Even in the year 1598 his majesty speaks of "Papistical and Anglicane bishops" as evils he was far from wishing to introduce; and within twelve months of Elizabeth's decease he pledged himself to the general assembly as determined to "stand by the church," of which he was then the sovereign, and prove "the advocate of its ministry †."

These professions are so far explicit and emphatic, that no one placing the least confidence in them could well expect a very cordial patron of the Anglican church in the Scottish king. There was much, however, in the private sentiments, and even in the public conduct of James on this subject, directly at issue with declarations of this nature; and much in the kind of collision which had frequently taken place between him and the kirk ministers, which rendered it nearly certain that the unavowed preferences of the monarch would prove to be the guide of his policy at a future day, and that James I. of England would be found a different person from James VI. of Scotland. One of these kirk ministers did not hesitate to tell the king "that he had detected the treachery of his heart; that all kings were the devil's bairns, and that the devil pions of both parties. The French ambassador, Beaumont, describes the queen as declaring herself (*Dépêches*, Mai, 1603) a Catholic in her heart, and as having tried, but in vain, to convert the king. Monsieur de Villeroy, in a diplomatic report of August 15, 1603, says, "the queen seeks quietly to serve the poor distressed Catholics." Raumer, ii. 192. "The Catholics look on her as their refuge, the king having forgotten his promise, his signature, and all gratitude for their fidelity." Beaumont's Despatches, June 13, and July 10, 17, 1603. Raumer, ii. 198.

* Calderwood's Church History of Scotland, p. 256. Ed. 1680.

† Ibid. 418. Spotswood's Hist. 468. Ed. 1668.

was in the court, and in the guiders of it." Another personage of this class exclaimed in the high church of Edinburgh, "that the king was possessed with a devil, and that one devil being put out, seven worse had entered in his place*." There was much in the then state of affairs, as we shall presently see, somewhat to extenuate these coarse liberties; but the effect likely to be produced by them on the vain temper of the monarch was to be duly considered when forming any conception as to the probabilities of his future conduct. That James had introduced a spurious order of bishops into Scotland before making his appearance in England is a material fact in this connexion†.

Whitgift, the archbishop of Canterbury at this crisis, was not unobservant of facts of this nature, and shared in the hopes as well as the fears of his brethren. But the anxiety with which the aged primate looked forward to the changes that could hardly fail to take place is supposed to have shortened his days. The strong hand of Elizabeth had been scarcely sufficient to restrain the puritanical and reforming spirit of the commons; and the character of James, whatever might be his inclinations, did not promise the same degree of support to the dominant spirit of the hierarchy. In addition to which, Elizabeth possessed claims on the homage of her subjects that could not be transmitted to another; claims arising from a reign characterized by great ability, by unusual duration, and equally memorable from its dangers and its triumphs.

It will be obvious, from the particulars we have mentioned, that the Puritan party in England had much to expect from the new sovereign if the smallest value was to be attached to The Puritans. his most public and solemn declarations. Consistency required that the appearances, at least, of a most friendly consideration should be given to their claims; and what they could not look to as the result of principle, they might expect as a matter of policy. But they were men much too shrewd in their attention to character, and in judging of times and seasons, not to be aware that their success depended much less on the personal feeling of the monarch, than on the force of expediency, and the show of strength which it might be in their power to make‡.

* Spotswood, 423, 430. Calderwood, 256.

† King James's Works, 305.

‡ James published his *Basilicon Doron* in 1599, the year following that in which he had avowed himself opposed to "Anglicane Bishops," and the "advocate of the ministry of the Scottish Kirk;" but after his accession, it became his boast, that in this work he had spoken ten times more bitterly of the Puritans than of the Papists, adding that the preface, which, as King of England, he had attached to the second edition, was written altogether in *odium puritanorum*. It should be added, that of this work, which the king designed for the instruction of Prince Henry, only seven copies were printed in 1599, the printer being sworn to secrecy. This secrecy, however, did not prevent the work becoming public; and a passage in it, in which James states that the only steady friends he found in Scotland were those who had distinguished themselves as the friends of his mother, was loudly censured by a synod at St. Andrews, as an eulogy on Papists at the cost of what was due to their enemies.

Upon the whole, looking to the character of the king and of the times, we may say of the Puritans at this juncture, that their hopes might reasonably have been stronger than their fears, while the reverse was probably the general feeling with their opponents,—the court clergy. With respect to the Catholics, we may repeat that circumstances, upon the whole, did not authorize their expecting any thing more than a partial removal of their grievances, with some connivance in the administration of such laws as should remain in force against them*.

It will be proper to remember in this place, that, while the dissent of the Catholic had respect to the established religion as a whole, that of the Puritan referred almost exclusively to certain points of discipline, and to the use of certain ceremonies regarded as so many popish corruptions of Christianity.

When the preceding facts are considered, it will appear to have been with much reason that our ancestors were accustomed to speak of the anticipated accession of James I. as the approach of “a Scotch mist.” The persons of most influence in the court of Elizabeth had long been in private correspondence with their future sovereign, and were careful to assure him that their respective partizans were deeply interested in his favour. Sir Robert Cecil, secretary of state, was at the head of the most powerful of these parties, and by his wily management he not only concealed his frequent communications with Scotland from the queen, but procured the separate pledges of a large portion of the nobility in favour of the king, each being kept in ignorance of what the rest had done. It should be added that, in Cecil, James found a correspondent who evinced little reluctance in ministering to his favourite passions. In his work entitled “*The Trew Law of Free Monarchy*,” the royal author had not hesitated to describe the king as “above the law,” and all obedience to it as left to his own pleasure, or as binding only “for good example-giving.” James had employed similar language in his *Basilicon Doron* very recently made public; and writing to Cecil

Correspondence of James with persons in the English court before his accession.

King James's Works, 139, 142, 158. Spotswood, 456. The *Basilicon Doron* was publicly printed the year of the king's accession, and went through three editions in twelve months.

* But, in fact, such was “the levity and want of thought” in the king, to use the language of Henry IV., that in his dealings with all parties, each, in its turn, found it “difficult to build upon him.” Beaumont *Dépêches*, Mar. 13, 1603, in Raumer. “As soon as the news of Elizabeth's death reached Madrid, the Jesuits waited on Philip III., and three or four were despatched to England, disguised as soldiers or merchants.” (*Ibid* ii. 195.) Of this fraternity, and of their party among the English Catholics, the French ambassador had written in 1602: “It is not necessary to be a bad subject in order to be a good Christian. Obstinacy, bad disposition, indiscreet zeal for the Catholic religion, have brought that sect in England to destruction. They not merely refused to acknowledge and obey the queen, but entered into conspiracies of all kinds against her person, and into alliances with the enemies of the kingdom to effect its downfall. Thus instead of earning from her indulgence protection and support, they have provoked the queen in such fashion, that she was compelled, on behalf of her own security, to practice severity, and to take from them all liberty.” *Ibid* ii, 183, 184.

on one occasion, he says, "For my part, I hold it the office of a king, as sitting upon the throne of God, to imitate the *primum mobile*, and by his steady and ever constant course to govern all the other changeable and uncertain motions of the inferior planets*." Sir Henry Wotton mentions an occurrence in connexion with this system of secret intelligence which on several accounts is worthy of notice. "The queen," he observes, "having for a good while not heard anything from Scotland, and being thirsty of news, it fell out that her majesty going to take the air towards the heath (the court being then at Greenwich), and master secretary Cecil then attending her, a post came crossing by, and blew his horn; the queen out of curiosity asked him from whence the dispatch came; and being answered from Scotland, she stops the coach, and calleth for the packet. The secretary, though he knew there were in it some letters from his correspondents, which to discover were as so many serpents, yet made more shew of diligence than of doubt to obey; and asks some that stood by (forsooth in great haste) for a knife to cut up the packet, (for otherwise perhaps he might have awaked a little apprehension,) but in the meantime approaching with the packet in his hand, at a pretty distance from the queen, he telleth her it looked and smelled ill favouredly, coming out of a filthy budget, and that it should be fit first to open and air it, because he knew she was averse from ill scents. And so being dismissed home, he got leisure, by this seasonable shift, to sever what he would not have seen." The earls of Essex and Northumberland, and some others, were also actively employed in intrigues of this nature. But their influence was less considerable than that of the secretary, and the principal return in some instances was the more vigilant enmity of Cecil and his adherents†.

Elizabeth breathed her last on the twenty-fourth of March, 1603, about three o'clock in the morning; by six Cecil had assembled his colleagues, and at Whitehall and Cheapside proclaimed James VI. of Scotland her successor, in the presence of the populace. The people testified their joy by acclamations, bonfires, and ringing of bells. The first tidings that reached the ears of the king simply announced the death of Elizabeth, the effect of which was to call up "a concourse of doubts and questions." But the next messenger brought the news that the new sovereign had been proclaimed, and not only acknowledged without opposition, but

James proclaimed the successor of Elizabeth.

* Birch's Memoirs, ii. 315. Weldon's Court and Character of James I., 11, 12.

† Reliquiæ Wottonianæ, 168, 8vo. 1672. Birch's Historical View, 21. James "was careful to secure to himself the body of the English nation. Cecil, afterwards Earl of Salisbury, secretary to Queen Elizabeth, entered into a particular confidence with him; and this was managed by his ambassador Bruce, who carried the matter with such address and secrecy, that all the great men of England, without knowing of one another's doing it, and without the queen suspecting anything concerning it, signed in writing an engagement to assert the King of Scots' right of succession." Burnet's Own Times, i. 6. Osborn's Memorials, 447, 448.

with every demonstration of loyalty and affection*. This announcement removed distrust, and James, in the fulness of his joy, congratulated himself and his favourites on the speedy fruition of their long-cherished hopes. Nobles who had acted as an unwelcome check on the royal authority, now vied with each other in preparing the richest entertainment for their sovereign, while James hastened to exchange the restraints which the nobility, the clergy, and the poverty of his native country had concurred to impose on his strongest propensities, for the large means of indulgence always present to his view in his future dominions.

In making his public progress towards London, James was the subject of much attention and observation, and there were occurrences which served to lessen his popularity very considerably before reaching the capital. On such occasions Elizabeth had always encouraged the familiar approaches of her subjects, aware of the favourable impression generally made by the most trivial instances of condescension in the conduct of persons of rank. But James seems to have possessed a natural dread of crowds, and on the pretence that such assemblages would raise the price of provisions he forbid the flocking of the people to meet him in the manner to which the different conduct of his predecessor had given the force of custom†. Added to this feeling was his jealousy of the fame of that princess, which discovered itself in the expressions used with respect to her, and in discountenancing whatever bespoke a regard for her memory‡. During this journey James indulged in degrading language with regard to the female sex in general, and in the presence of large companies at his table. He not only censured the conduct of Henry IV. of France in relation to females, but was understood to condemn sexual passions altogether, and suffered ladies to present themselves to him on their knees. The effect of such imprudence may be readily conceived§. Another circumstance which attracted much notice at this time, was the conduct of the king in ordering a man accused of theft to immediate execution without even the form of trial.

* Earl of Monmouth's Memoirs. Osborne's Memorials of the Reign of King James, 423. Rymer, *Fœdera*, xvi. 493. Strype, iv. 370.

† "She did not seldom fetch an entertainment at such grandees' houses as were understood to be most popular, by which she removed her subjects' eyes from these inferior stars, and fixed them on the greater splendour of her own: besides her out-doing them in the art of popularity, acting to the life the pageant of the people (which all princes really are and the wisest the most gaudy), from whence it is far more endearing to throw flowers than wildfire." Osborne, 381. "The people having been habituated to see Elizabeth in public, to give her applause and to receive her thanks, it appears to them strange that this king should despise them and live in complete retirement." Beaumont, May 24, 28, 1603. in Ranmer, ii. 197.

‡ Stowe, Chron. 821. Somers, ii. 147. Sully's Memoirs, l. xiv. xv. Sully, as French ambassador, would have appeared at the court of the new king in mourning, but was informed that his doing so would be taken as an offence. James, however, professed himself willing to attend the queen's funeral, if deemed necessary, as a mark of respect to her memory. Ellis, *Original Letters*, iii. 65.

§ *Depêches de Beaumont*, Mai, 1603. Ranmer, ii. Birch's Memoirs, ii. 516.

A contemporary in relating the occurrence observed, "It is strangely done; now if the wind bloweth thus, why may not a man be tried before he is offended*?"

In the appearance and general manner of the sovereign there was nothing to redeem these faults. "He was of middle stature," says a writer of the time, "more corpulent through his clothes than in his body, yet fat enough; his clothes being made large and easy, the doublet quilted for stiletto proof; his breeches in plaits, and full stuffed. He was naturally of a timorous disposition, which was the reason of his quilted doublets. His eye large, ever rolling after any stranger that came in his presence, insomuch as many for shame have left the room, as being out of countenance. His beard was very thin; his tongue too large for his mouth, and made him drink very unseemly, as if eating his drink, which came out into the cup of each side his mouth. His skin was as soft as taffeta sarsenet; which felt so, because he never washed his hands, only rubbed his fingers'-end slightly with the wet end of a napkin. His legs were very weak, having had, as some thought, some foul play in his youth, or rather before he was born, that he was not able to stand at seven years of age; that weakness made him ever leaning on other men's shoulders. His walk was circular†."

At the close of this progress James became the guest of his secretary, under whose roof the monarch formed his council, including twelve persons, six being of each nation. The English portion consisted of the earls of Northumberland and Cumberland, Lord Henry and Lord Thomas Howard, and the Barons Bourrough and Zouch: — the Scotch men were the duke of Lennox, the Earl of Marr, Lord Hume, Sir George Hume (afterwards Earl of Dunbar), Lord Bruce, and Secretary Elphinstone. The government in relation to England remained for the most part in the hands of the English members of the council‡.

Council
formed.

Among the abuses which had risen to an alarming height in the last

* Harrington's *Nugæ Antiquæ*, i. 180. There was a statute which gave the king a summary power of this nature against theft committed within the bounds of the court: 33rd Henry VIII. c. 12. But a usage so obsolete as to have been wholly unknown to so old a courtier as Harrington, could hardly have guided the conduct of the king in this instance. It may be worth while to add that the offender was seized at Newark, to which place he had followed the court from Berwick in the garb of a gentleman.

† Weldon, 177—179. "I shall leave him dressed for posterity in the colours I saw him in the next progress after his inauguration, which was as green as the grass he trod on, with a feather in his cap, and a horn instead of a sword at his side." Osborn, 444.

‡ Stow, 816—822. "King James is governed by a small number of favourites, generally mere Scottish gentlemen of no great quality, who are always about him, and see and hear whatever passes—most of them are under his thumb, at least with respect to matters which he takes to heart. The courtiers are divided into two parties. The one is led by the Earl of Mar, and favoured by all who are devoted to the pretended reformed religion. At the head of the second party stands the queen." Villeroi, Aug. 15, 1603. Raumer, ii. 192. Cecil was the head of a third party.

reign was the manner of conferring privileged licenses, and the power of monopoly, on certain merchants and tradesmen. When the king arrived in London, a proclamation was issued suspending all grants of this nature, until examined by the members of his majesty's council. Another pernicious usage—or one at least which like the former became pernicious from the frequency of its abuse—consisted in the granting protections from the crown for the purpose of delaying the decision of questions in the courts of law. It was required that such of these as still existed should be revoked. It was also an immemorial custom that the subject should be obliged to supply the royal household with commodities on certain terms, and the abuses connected with this system of “perveyance” as it was called, had been a ceaseless topic of complaint in every reign through many centuries. Some of the more fraudulent and unjust practices carried on under cover of this usage were prohibited*.

The matters contained in this proclamation were meant to prove the king's love of justice, and his solicitude in relation to the commerce and general prosperity of his people. As a further method of expressing his affection toward his subjects, titles of honour were showered upon them, until the value of such distinctions became of small amount. It happened also that these cheap marks of the royal favour were bestowed on the English aspirants in less proportion than on the Scots, and this circumstance may have led to the fixing of a pasquinade upon St. Paul's, which professed to teach a new art of memory, in the hope that it might not be found impossible to remember the titles of the new race of nobles†.

The arrival of ambassadors from the different powers, soon called the attention of the king from such employments to more important matters. The states of Holland dispatched Frederic, Prince of Nassau, with three able colleagues. The Count Aremberg appeared on the part of Austria; and the French monarch intrusted his affairs to the celebrated Rosny, afterwards Duke of Sully. The mission of the latter was to obtain a renewal of the

* Lodge's Illustrations, iii. 159—162. The evils of “perveyance” went with the court in all its “progresses” through the land. The distinguished persons whose residences were honoured with the presence of royalty had to bear the whole expense of such visits. Elizabeth paid her minister Burleigh twelve visits of this description, each of which cost him some two or three thousand pounds. James was so far from lessening this evil, that five years after his accession his approach to a neighbourhood is described as a signal to the wealthy to vacate their mansions, as the only means of escaping these costly favours. “The progress holds on towards Northamptonshire, as unwelcome to those parts as rain in harvest, so as the great ones begin à remuer ménage, and to dislodge, the Lord Spencer to his daughter Vane in Kent, and divers other gentlemen devise other errands otherways.” Nichols's Progresses and Court of James I., ii. 20. But we shall find this evil weigh much more heavily on the middle classes than on the rich.

† Stow, 816—827. Osborn, 469, 470.

secret alliance between France and England in favour of the Dutch provinces, who had long since cast off the odious yoke of Spain. The policy of Aremburg was to prevent this course of things: but he does not appear to have possessed instructions from the Spanish cabinet sufficient to allow of his prosecuting any serious negotiation; and James, though he questioned the right of the Hollanders to resist the authority of Spain, and sometimes spoke of them as rebels, dismissed the French ambassador with the pledge of a sincere compliance with the wishes of his master*.

At this time the Spanish monarchy was regarded as the most formidable in Europe, but without its really being such. On the accession of Philip II., its immense territories and re-
State of Europe.
 sources seemed to justify the deep and general alarm with regard to his power. When that monarch became the successor of Charles V., Spain, with an army the most disciplined and powerful in Europe, had been made subservient to the maxims of absolute power, and as yet had participated only to a small degree in the common evils of despotism. The Netherlands, Milan, Naples, and Sicily were among the dependencies of the Spanish crown, as were the rich provinces of Mexico and Peru. Genoa, and the Catholic cantons of Switzerland, were allied with Philip; Venice was constrained to do him homage, and the Pope to appear in his support. Philip moreover had been the husband of the Queen of England; was uncle to Sebastian of Portugal, then a child; and nephew to the Emperor of Germany, whose authority extended over Bohemia, Hungary, and the dominions of Austria. France at the same time was much disordered and weakened; and the Turkish empire, having reached the zenith of its splendour, had fallen into feeble hands.

But rarely have prospects so brilliant been followed by results so humiliating; and as these results—affecting as they did the fate of millions—flowed immediately from the personal character of the sovereign, they teach a salutary lesson on the folly and baseness of allowing communities to be dependent on the will of an individual, who is not controlled by some legalized check on his power. In Philip, the leading elements of the Spanish character were all embodied. Grave, cautious, patient, laborious, he seemed a man singularly qualified for his singular position. But his gravity was without wisdom, his caution was the ally of deceit, and of a deceit so ill concealed that it rarely imposed on any man, while his patient effort was not of a kind to deserve the name of enterprise. It soon also became manifest, that with Philip, as with the Spanish mind generally, *Catholicism* was everything, *man* was nothing, all nations being as nothing if not included in the pale of the church. From this source sprung his intolerance, and his assurance in the midst of the greatest atrocities that the end would justify the means!

* Sully's Memoirs, xiv. xv. xvi.

Philip III., a weak prince, succeeded Philip II. in the year 1598, and with his minister, the odious and feeble Duke of Lerma, saw, in the territories which within half a century had rendered the Spanish name so imposing, so many depopulated regions, or scenes of successful revolt, of disorganization, indolence, and discontent. Throughout the dominions of the House of Austria (for such was the designation given to the power of Spain and of the German emperors) there were the signs of a state which "decayeth and waxeth old." But such was the impression which that power had once made, that men, even the shrewdest, were far from being duly observant of these changes. Hence, though France had in fact become sufficiently powerful to preserve the balance of influence in European affairs, the leading object of its policy continued to be, to assist the United Provinces in their struggle for independence, and to unite as many of the states of Europe as possible, either secretly or openly, in the old enterprise of humbling the pride and authority of Spain. James assured the Duke of Sully of his concurrence with this policy, so far at least as to render secret aid to the Hollanders. But we shall presently find, that whatever the English monarch promised on the subject of war, ended in his acting (often, no doubt, to the great benefit of his subjects) on the maxims of peace; and that one of the foibles which involved him in difficulty to the end of his reign, was his vulgar estimate of Spanish greatness, and the deference which, as a vain man, he was disposed to render to it.

Sully had no sooner withdrawn from the English court, than James began to listen to overtures from Spain, and a peace was concluded with that power, which showed the king's great want of capacity with respect to such questions. Sir Charles Cornwallis was dispatched as ambassador to Madrid, where he found the short-sighted conduct of the English monarch the topic of general astonishment. "By these collections," he writes, "that I have made, and the relations of others well practised in this state, I find that England never lost such an opportunity of winning honour and wealth, as by relinquishing the war with Spain *."

The condition of the Protestant religion on the continent, at this

* Winwood, ii. 1—7, 28, 75, 84, 229, 230. Somers' Tracts, i. 410—421. Sully's Memoirs, *passim*. The rumours of the time attributed this peace to the influence of Spanish gold over certain of the English ministers. Winwood, ii. 25, 26. Elizabeth was not insensible, towards the close of her reign, as to the decline of the Spanish power, and Henry IV. saw it still more clearly; but the queen was restrained by her constant fear of expense, and Henry by a variety of considerations. Beaumont's Despatches, May, June, and August, 1602, and May 27, July 12, 1605. Raumer, ii. 180, 184. As to the influence of money in deciding negotiations at this juncture, it appears that even the queen was an expectant of such inducements to the exertion of her influence. "The queen complains that she obtains no more money; I suggest to your majesty, in confidence, to supply her in secret." Beaumont, August, 1603. Henry did not deem it prudent to follow this advice, and whether from this cause or not, her majesty made no scruple of avowing her hostility to France, and her wish to serve Spain. Ibid. May, June, 1604.

period, was one of much difficulty and danger. In Denmark, Sweden and some lesser states, it was almost uncontrolled; in State of Protestantism in Germany, and Switzerland, it prevailed, but less generally. In Holland, it had called into existence the United Provinces, and continued to live, only as the long and perilous warfare in which those provinces were engaged was crowned with success. In France it was the religion of a large and powerful minority; but still a minority, and one which was to be crushed, and almost destroyed before the close of the present century. The superiority of numbers accordingly was still with the professors of the Catholic faith; and if industry, commerce, enterprise, and devotedness to their common interest, were with the disciples of the reformed doctrine, their safety depended much less on their own strength, than on the rivalry of the two great Catholic powers,—Spain and France.

A little reflection on this general state of affairs, will suffice to show its probable effect on the temper and maxims of such princes as James I. and his successor. In the sovereigns of Europe with whom they would claim equality they saw monarchs who governed large kingdoms without the intervention of any popular legislature. In Spain nothing of the kind had existed for some generations; in France the shadow that remained was about wholly to disappear, until it should be summoned as from the tomb in 1789. The princes in those countries, if they were checked at all in the exercise of their large powers, were restrained by nobles only, or by that class of their subjects who, in learning to question the authority of popes, began to see it important and just that certain limits should be imposed on that of kings. There was accordingly much room to fear lest parliaments should be looked upon as a needless, and, in fact, as a degrading restraint on monarchy*. There was much room also to fear that if the reformed doctrine should be retained at all, it would be in a shape more in agreement with the popery than with the protestantism of the continent. Not to be quite as uncontrolled as their brethren of Spain and France, was almost sure to be regarded by minds like those of James and Charles as a mark of inferiority—and as so much wanting with respect to their proper dignity as independent, or, as James would have expressed it, *absolute* sovereigns. These facts have not been sufficiently considered by our historians. The theory of James I., which is so commonly said to have ruined his descendants, was taken in great part from the practice of the powerful monarchies of the continent,

* "James said to me,—Your majesty (Henry IV.) and he were absolute monarchs in their dominions, and in no respect dependant on the councils or consent of their subjects." Beaumont, May, 1603. Raumer, ii. 197. James added, that for a century at least two such kings had not been given to the world. *Ibid.* 199.

and was all along nourished from that quarter. The Stuart princes were not Englishmen. They rarely looked abroad without becoming disgusted with home*.

CHAPTER II.

Court intrigues—Markham's Plot to seize the King's person—the Conspirators apprehended—Trials of Cobham, Grey, and Raleigh—Petition of the Puritans—Conduct of the Universities—Conference at Hampton Court—its effect.

JAMES became aware within a few months after his accession, and before the ceremony of his coronation had been performed, **Raleigh plot.** that his subjects were not so awed by his presence or his claims as to be deterred from entering into conspiracies against him. The Earl of Northumberland and Sir Walter Raleigh were not ignorant of having a vigilant and powerful adversary in Cecil, and as the conduct of his party was such as to make them daily feel the effects of his enmity, they soon began to meditate revenge. Raleigh was in frequent intercourse with Lord Cobham, a weak man, who was too willing to engage in designs the extent or danger of which he was not often likely to comprehend. The first attempt of these persons was in offering their services to the king of France. What was the nature, or what the extent, of the services proposed is unknown. The scheme probably embraced nothing more than the exercise of their influence with a view to the interests of France at the English court, and in this manner they might hope to displace individuals who were most opposed to their own advancement†. The French monarch declined the doubtful aid thus proffered to him, and it does not appear that Northumberland proceeded further. But it is said that Cobham now made a similar offer to the court of Spain, and Raleigh, who was accused of being privy to this overture, probably hoped to obtain a sum of money as the price of his political services; and thus far any courtier of the time would have proceeded without any apprehension of danger or disgrace. He was accused indeed of meaning to set up the claim of

* "The king fears the dangers arising from them (the Spaniards) more than those which may come from his people, whom he at once hates and despises." Letter of Count Tillieres, March, 1624. Raumer, ii. 286.

† "It is said that Cecil is doubtful as to his position, finding the king partly better informed, partly more obstinate than he thought. Cobham calls Cecil no other than traitor. Raleigh is hated throughout the kingdom. The new queen is enterprising, and affairs are embroiled. I will not conceal from you, that I have acquaintances and intelligences enough to enable me to sow and cultivate dissensions, so far as your majesty may intrust me to do so." Beaumont, May, 1603.

Arabella Stuart in opposition to that of James, but this absurd charge may be safely regarded as an invention of his enemies*.

While these intrigues were in progress, an enterprise of a graver description was devised. It contemplated the seizure of the king's person, with a view to the removal of certain of his ministers, and the accomplishment of some important changes in the complexion of the government. Markham's plot to seize the person of the king.

This scheme originated with Sir Griffin Markham, and George Brooke, the brother of Lord Cobham, persons without means themselves, but who looked both to Catholics and Puritans as hopeful auxiliaries, aware that both these parties had much reason to be dissatisfied with the present appearance of things, and concluding that however much they might be at issue on other points, they would not be unwilling to act together for a redress of their common grievances. Watson and Clarke, two Catholic priests, readily entered into the design, as did Anthony Copley, Sir Edward Parham, and Lord Grey. The last was a young nobleman of unusual courage and ability, who is supposed to have made himself obnoxious to the court by the zeal with which he favoured the views of the Puritans. It was to have been expected that an undertaking of so little promise would not be long entertained, and that a party made up of such opposite elements would soon be disunited. It happened accordingly that when the crisis of the enterprise arrived it was abandoned as hopeless.

Cecil, who had been apprized of these proceedings by the Jesuit faction among the English Catholics, regretted this abrupt termination of them, as the easier method of crushing his opponents would have been to have seized them in the act of treason. But enough was ascertained to call for the exercise of his authority. Anthony Copley was the first conspirator secured, and his confession led to the immediate apprehension of his accomplices. Northumberland and Raleigh were also summoned to appear before the council. But as neither of these were parties to Markham's plot, the attempt to implicate them failed, and they were dismissed. Raleigh however could not forbear writing to Lord Cobham, The conspirators apprehended.

* *Nugæ Antiquæ*, i. 340. *Birch's Memoirs*, ii. 514. *Cayley's Life of Raleigh*, *passim*. *Sully's Memoirs*. *Criminal Trials*, vol. i., in the *Library of Entertaining Knowledge*, pp. 393—398. Raleigh and Cobham were charged with a design to kill the king, as a preliminary to the advancement of Arabella to the throne, "but both these imputed objects were supported by evidence of too vague and uncertain a description to be entitled to credit." James was accustomed to speak of the ill-fated Earl of Essex as a martyr to his cause, and of the principal enemies of that nobleman, viz. Northumberland, Cobham, Raleigh, and Cecil, the last only was able to overcome the resentment of the new sovereign. Cobham and Raleigh were informed that they were not to approach the royal presence. Cecil spared no pains to depress his old associates, and to raise himself at their expense. Howard, one of his active partisans, assured James that the three individuals first-named were "persons of no principles in morals or religion, calling them a triplicity that deny the Trinity." *Ibid*.

to place him on his guard; his letter was intercepted, and he deemed it prudent to confess that Cobham had sought and obtained some private conferences with Aremberg, the minister of the archduke. When the confession was reported to Cobham, he regarded it as an act of treachery, and indignantly exclaimed, that whatever he had done of that nature had been at the instigation of his accuser. In this manner these persons became evidences against each other, and both were committed to the Tower*.

There was enough in the confessions of several who were engaged in Markham's plot to render their condemnation unavoidable. Sir Edward Parham urged that his only share in the conspiracy consisted in a pledge to rescue the king from a threatened captivity, which he maintained could not amount to treason, and his ingenuity procured his acquittal.

The Lords Grey and Cobham were reserved to be judged by their peers. Of the latter it is related, that "never was seen so abject and poor a spirit" as was betrayed by him on this occasion. He sought his life by repeating the meanest entreaties, making a merit of the confessions by which he had convicted himself, and implicated his friends. "Grey, quite in another key," says a contemporary, "began with great assurance and alacrity; spake a long and eloquent speech, first to the lords and then to the judges, and lastly to the king's counsel, and told them each of their charges, and spake effectually for himself. He held them the whole day, from eight in the morning till eight at night, in subtle traverses and scapes; but the evidence was too conspicuous, both by Brooke's and Markham's confessions, that he was acquainted with the intended surprise. Yet the lords were long ere they could all agree, and loth to come out with so hard a censure against him; for though he had some heavy enemies (as his old antagonist, Southampton, who was mute before his face, but spake very unnobly against him), yet most of them strove with themselves, and would fain, as it seemed, have dispensed with their consciences to have showed him favour. At the pronouncing of the opinion of the lords, and the demand whether he had any thing to say why sentence of death should not be given against him, these only were his words: 'I have nothing to say;' there he paused long; 'and yet a word of Tacitus comes in my mind,—Non eadem omnibus decora; the house of the Wiltons have spent many lives in their prince's service, and Grey cannot beg his.'

"After sentence given, he only desired to have one Travers, a divine,

* "Cobham's conspiracy gives the king uncommon anxiety, but still more labour and vexation to Cecil. I recognize so many seeds of unsoundness in England, so much is brewing in silence, and so many events appear to be inscrutable, as to induce me to maintain that for a hundred years to come this kingdom will hardly misuse its prosperity to any other purpose than its own injury." Beaumont, August 13, 16, 21, 1603. Winwood, ii. 8.

sent for to come to him, if he might live two days. If he were to die before that, then he might have one Field, whom he thought to be near. There was great compassion had of this gallant young lord, for so clear and fiery a spirit had not been seen by any that had been present at the like trials. Yet the lord-steward condemned his manner much, terming it Lucifer's pride, and preached much humiliation; and the judges liked him as little, because he disputed with them against their laws. We cannot yet judge what will become of him or the rest*."

But if the case of Grey perplexed his judges, that of Raleigh was less easy to be dealt with. The indictment charged him with an attempt to excite sedition in the kingdom, to induce foreign enemies to invade it, and to deprive the king of his government. It accused him moreover of having published a book impeaching the king's title, and of intending to raise the lady Arabella Stuart to the throne. The only available evidence to be produced against him was that of Cobham, whose verbal and written depositions were so contradictory as to be the manifest effect of his resentment or his fears, and not of any regard to truth. Sir Edward Coke, the attorney-general, opened the case for the prosecution; and aware, apparently, of the worthlessness of the only evidence at his command, he endeavoured to prejudice the court by assailing the accused with the most bitter and degrading invectives.

— and of
Raleigh.

Raleigh opposed himself to this treatment with calmness and dignity. When reproached as "a damnable atheist," as "a spider of hell," and as "the most vile and execrable of traitors," he was content to answer, "You speak indiscreetly, barbarously, uncivilly." "I want words," exclaimed his assailant, "to express thy viperous treasons." "True," was the reply, "for you have spoken the same thing half-a-dozen times already." While evincing this moderation and self-possession, Raleigh was not insensible to the barbarous laxity of the existing laws against treason, and well knew the ease with which they had always been made to serve the purposes of oppression and cruelty. Every thing that could be adduced in his defence he urged with extraordinary eloquence and skill; but his fate was to be determined by the passions of his enemies, much more than by questions of evidence or law. He insisted that the law required the evidence of two witnesses against the accused. This course, which he described as that provided by the law and statutes of the realm, he also claimed as no less explicitly enjoined by the law of God; and at length he even declared himself willing to forego all further defence, if Cobham, on being brought into his presence, should affirm his having advised any dealings with Spain.

In reply, it was said that to bring an accomplice into court as a witness was not lawful, that the different statutes appealed to were either

* Sir Dudley Carlton, in the Hardwicke Papers, i. 378—383.

no longer in force, or not applicable to the purpose for which they were cited, and that in trials for treason, when before a jury, a written deposition might serve in the place of a witness. Raleigh now produced a letter from Cobham, in which, that he might discharge his conscience, and free himself from blood, he declared that he never practised with Spain through the procurement of Raleigh. To the astonishment of the prisoner, Coke immediately produced another declaration from the same person, bearing the date of the preceding evening, in which he directly affirmed what his paper to Raleigh had so clearly denied. On this evidence, and on this evidence alone, the jury, though with some hesitation, found Sir Walter Raleigh guilty of high treason.

The conduct of Raleigh on his trial, and the treatment which he received, produced a marked change in the public opinion concerning him. A writer of the time remarks, "he answered with that temper, wit, learning, courage, and judgment, that, save that it went with the hazard of his life, it was the happiest day that he ever spent." One of the persons who announced the decision of the jury to the king was constrained to say, "Never man spoke so well before, or would again."* Another declared, that before entering the court he would have travelled a hundred miles to have seen the prisoner hanged, but that he left it willing to travel a thousand if he might then be the means of saving his life. The people who heard the decision of the jury, expressed their sense of its injustice; and multitudes, who rarely adverted to the name of Raleigh but with abhorrence in consequence of his unpopular conduct with regard to the Earl of Essex, were now among his warmest admirers and his most zealous friends. The history of our earlier state trials is almost uniformly revolting to every feeling of justice and humanity; but on no such occasion were these feelings more outraged than in this attempt to dispose of a man whose genius rendered him one of the brightest ornaments of his country. It is not pretended that he was faultless; but in this matter he suffered less from his own misconduct, than from the envy and malevolence of Cecil †.

* Sir Dudley Carlton's Letter, Hardwicke Papers, i. 379.

† We could wish, for the honour of our country, that the course pursued by Coke, so manifestly unjust, had been illegal. But, upon the whole, this does not appear to have been the fact. A writer who has treated this subject with learning and judgment remarks, "At the period of Raleigh's trial there was perhaps no point of law more completely settled than that the statute of the 1st and 2nd of Philip and Mary, c. x. had repealed the provisions of the statute of the 5th of Edward VI. respecting the production of two witnesses in cases of treason. Gross and monstrous violations of all just principles of evidence no doubt occurred in every part of this proceeding; hearsay, rumour, conjecture, suspicion, were all thrown before the jury in a mass, without scruple and without question; but all this was the fault of the times, not the injustice of individuals. The law of evidence, familiar as it is to us in the present day, was at that time—we will not say in its infancy, it was not even born; nor was it until fifty years afterwards, when the Commonwealth judges had applied their minds to the subject, that just and rational principles of evidence in criminal cases began to appear." Criminal Trials, i. 514, 515. Whatever may be our judgment as to the degree of exculpation supplied by these facts with respect to the conduct of Coke, the facts themselves are important to be remembered by

On Raleigh's supposed irreligion, which Coke so malignantly urged against him, an intelligent and impartial observer remarks, "I wist not that he hath any evil design in matters of faith or religion, as he hath often discoursed to me with much learning, wisdom, and freedom. I know he doth somewhat differ in opinion from some others; but I think also his heart is well fixed in every honest thing, as far as I can look into him. He seems wonderfully fitted both by art and nature to serve the state, especially as he is versed in foreign matters. In religion he hath shown (in private talk) great depth and good reading, as I once experienced at his house before many learned men. In good troth, I pity his state; and doubt the dice not fairly thrown if his life be the losing stake*." It appears, therefore, that Hume has been misled by vulgar slander in describing Raleigh as a sceptic or free-thinker.

A circumstance which contributed, we may believe, more than any other to give this hard complexion to the fate of Raleigh, was his having been one of a small party who had shown a wise solicitude that the accession of the house of Stuart should be delayed until James should have agreed to certain articles securing the liberty of the subject. Cecil well knew the light in which any such proposal would be regarded by the monarch, and in crushing the project, acquired a new claim on the gratitude of his future master. It was easy at any time to make the abettors of such a scheme particularly odious to the king†.

The sentence of the law was executed on Brooke, and on the two priests, Watson and Clarke. Much influence was employed in favour of Markham, Grey, and Cobham, but the king seemed inexorable, and the day for their execution was appointed. When that day arrived, Markham was first called to the scaffold. He lamented that hopes of life should have been held out to him which now proved to be vain; but when the napkin used on such occasions was offered him, he declined its aid, observing, that he could "look death in the face without blushing." He had begun to prepare himself for the block, when a stranger drew the sheriff aside, who, returning to Markham, said, that as the solemn scene before him had taken him somewhat by surprise, he should be allowed two hours more for preparation. Markham being removed, Grey was summoned, whose approach showed that his circumstances had not much affected his state of mind or general manners. A number of young gentlemen preceded him, and two of his most intimate friends appeared as his supporters, his countenance and attire being observed to resemble those of a bridegroom rather than of a man at the place of execution. Prayers were offered by the minister in attendance, in which Grey joined

the student of English history at this period; and the more so as they are facts which have been overlooked by some high legal authorities when touching on these matters.

* Harrington's *Nugæ Antiquæ*, i. 740: Sir Dudley Carlton's Letters in Hardwicke's State Papers, i.

† Osborn, 423.

with an utterance that bespoke his unfaltering courage and fervent piety. He then confessed the truth of the charge preferred against him, and again fell upon his knees, and commended the king and the royal family to the favour of heaven, in an extemporaneous prayer of considerable length, and which the by-standers remarked as strongly imbued with the sentiments and phraseology of puritanism. When he had concluded, the sheriff informed him that a mistake had taken place, that, according to his instructions, Cobham should die first. Grey was in consequence returned to his apartment, and Cobham appeared, and, to the astonishment of the spectators, looked round on the instruments of death with a self-possession foreign to his character. When he had confessed his own guilt, and with his last breath had re-asserted that of Raleigh, Markham and Grey were conducted from different points to the scaffold, and the offenders, each of whom had supposed his companions to be no more, gazed upon each other in strange amazement. The sheriff now proclaimed to the breathless multitude that the king, of his graciousness, had deputed a messenger to declare it as his pleasure that the lives of the culprits should be spared. The announcement called forth loud acclamations*.

In reflecting on these proceedings, it is difficult to avoid the suspicion that Cobham had been in some degree initiated into this mystery. His affirmation concerning the guilt of Raleigh, supposed to have been made in the immediate prospect of death, would have its uses; while the scene, as a whole, would be too readily applauded as a proof of the royal wisdom and clemency. Raleigh was spared for the present, in common with the rest. Markham was banished the kingdom, with two of his associates. Lord Cobham obtained his liberty, but it was to pass the remaining sixteen years of his life in contempt and the lowest poverty†. The devout and high-spirited Lord Grey ended his days in the Tower, after suffering eleven years' confinement, lost to the religious party whose cause he had conscientiously espoused, and to the country he was fitted to serve and adorn. Raleigh was detained a prisoner in the same edifice.

As soon as the decease of Elizabeth became known, the Puritans, suspicious of the new monarch's intentions, became active in procuring signatures to their "millenary petition," so called, because more than a thousand names from among the clergy were expected to be attached to it. It had been partially circulated through about half the counties of the kingdom, and had obtained upwards of eight hundred signatures, when it was deemed

* Carlton's second Letter in the Hardwicke State Papers, i. 377—393. Lodge, iii. 215. Winwood, ii. 11. Stowe, 828, 832. State Trials, ii. 65—70. Cayley's Life of Raleigh, ii. 5—84.

† "He died in a room ascended by a ladder, at a poor woman's house in the Minories, formerly his laundress, rather of hunger than of any more natural disease." Osborn, 426.

expedient, without further delay, to present it to the sovereign. James received the petition with respect, and promised that a day should be fixed, when deputations from the parties at issue on the points to which the petition referred should be convened, and the whole subject duly considered.

In this memorable document the petitioners commence with declaring their sincere affection for their sovereign, and the church of which they were ministers, rejecting the charge of schism or faction as a calumny. It was admitted that they had formerly submitted to these very matters from which they now sought to be relieved. But it was urged that, in some instances, this conformity had taken place when the parties were less fully instructed, while in others it had been accompanied at the time by explanations, and even by protests. At present, they were perfectly agreed in entreating the reform of certain evils affecting the worship and discipline of the church, the manner of appointing its ministers to their livings, and the qualifications of such persons. With regard to baptism, it was implored that it should no longer be administered in any case by women, and that the sign of the cross, and the questions usually put to the infant, should be dispensed with. It was further matter of petition, that the ring might be no longer used in the ceremony of marriage, that the entire rite of confirmation might be abolished, and that the lessons from the Apocrypha might be no longer a part of the public service; that ministers should not be obliged to wear the cap and surplice, to encourage their people in an observance of holidays, or in bowing at the name of Jesus; that the sanctity of the Lord's day might be more strictly enforced, the church service abridged, and certain improvements attempted in its psalmody. It was, moreover, prayed that all clergymen should be persons residing on their cures, capable of preaching, and so employed at least once on the sabbath; and that the subscriptions exacted from candidates for ordination should have respect to the doctrines of religion only, together with the article of the king's supremacy. In conclusion, some reforms were noticed as highly expedient in the laws and usages of the ecclesiastical courts*.

Copies of this petition were soon made public, and excited no small displeasure and alarm in both Universities. At Cambridge, a resolution was passed which deprived every person who should impugn any matter of doctrine or discipline in the church, of whatever degree he might have obtained, declaring the incorrigible offender for ever incapable of acquiring such a distinction. With a magnanimous consistency, these disputants called on their opponents to answer the numberless works in which the errors of the enemies of the church were exposed before attempting to dispute in the presence of so wise a king; and in the same breath denounced the man who should essay such a labour by pointing to the penalty, (the only one in their

Conduct of the
Universities.

* Neal's History of the Puritans, ii. 5, 6.

power) which they were prepared to inflict as the consequence. The press, they well knew, was in the hands of their sect; and that the man who dared to use it against them would do so at more serious costs than the loss of university honours.

While Cambridge proclaimed its zeal thus loudly, it will not be supposed that Oxford was silent. The document put forth under the name of the Vice-Chancellor and others in that university was shrewdly devised. Its great drift was to exhibit the Puritans as the patrons of misrule, and to commend the church in its present form to the royal protection, as especially adapted to give stability to the throne, and to sustain "the supereminent authority always pertaining to the regal person of a king."^{*}

Somewhat more than six months had intervened, since the petition of the Puritan clergy was presented, when James issued a proclamation, which prohibited all writing or petitioning on the subject of reforms in religion, on pain of his displeasure. In this document the king spoke of the established church as formed after the model of the best times, but observed, that as there were usages to which exception had been taken, a meeting of learned men would be very speedily arranged for the purpose of examining such particulars, and of adjusting such changes as should appear desirable. When the time for holding this long-promised conference arrived, the first day was occupied by the king and the prelates in discussions preliminary to the meeting of the Puritan ministers. It should be remembered in this place, that James had already signalized himself as a theologian, and that next to his vanity of being thought an absolute king, was that of being esteemed a profound divine. Owing to this last circumstance, the bishops found themselves in a situation of considerable difficulty in their private conference with the sovereign. We are told that James chose "to play the Puritan" on that occasion, and indulged this humour so far that the prelates cast themselves on their knees before him, entreating "with great earnestness that nothing might be altered, lest Popish recusants punished by penal statutes for their disobedience, and the Puritans, punished by deprivation from their callings and livings for nonconformity, should say that they had just cause to insult upon them as men who had travelled to bind them to that which, by their own mouths, was now confessed to be erroneous†." This reasoning, whether thus avowed or not, is always in operation in such cases, it being difficult for men to believe that the alteration of their course for the future will not seem to give a character of injustice, insincerity, or imbecility to the past. Other grounds of objection to change are of course more generally urged, but in this plea we have a conservator of the abuses of society, next in power to what is supplied

Conference at
Hampton
Court, Jan.
1604.

* Neal, ii. 6-8. Strype's Annals, iv. 327.

† Calderwood's Hist. 474.

by the more direct selfishness of such as are particularly interested in their preservation. In the issue it was seen that the conceit which recommended itself to the monarch on the occasion adverted to, was taken up purely for the purpose of displaying his learning and wisdom on such subjects, and not with a view to present any material impediment to the original plans of the court clergy.

On the following day, four Puritan ministers, selected by the sovereign, were opposed to nearly twenty prelates or other dignitaries, beside the members of the council, and a crowd of courtiers, the king being seated as moderator. The discussion which ensued has been variously, and at best but very partially reported. The account published by Dean Barlow, which is the principal authority on the subject, has evidently—to use the language of Fuller—“a sharp edge on one side.” It limits the complaints of the Puritans to a few comparatively trivial particulars, and fails to convey any adequate impression of the nature of the reasoning with which the leaders among those people were always prepared to advocate those principles. A dignitary, who was present, wrote on the following day to a female relative in the country, and stated among other things that the Puritan representatives “made much stir about the book of Common Prayer, and subscription to it;” objecting to “*all* the ceremonies, and *every point* in it*.” This account, which is no doubt in substance the true one, contains much more than is conveyed by that of Barlow. There are also some additional particulars in a narrative prepared by Galloway, a Scottish clergyman, who was present; but this document did not become public until improved by the recollection and taste of the sovereign. That the Puritan ministers were abashed in so unusual a presence, and on such unequal terms, so as not to have acquitted themselves with their accustomed ability and courage, may be supposed. But this circumstance should have taught their enemies to award them the more scrupulously whatever credit they had really deserved. The Puritans might easily have supplied the deficiencies, or corrected the mistakes of the accounts of this conference which emanated from the court; but to have done so would have been to exasperate the king, and must have involved the ministers principally concerned in difficulties which in our better times are happily little understood. It was deemed better, therefore, to leave his majesty in possession of his fancied triumph, and the prelates to reap the fruits of the pitiable sycophancy and impiety in which, according to the narrative of Barlow himself, it was their pleasure to indulge.

James, in a subsequent allusion to this dispute, and speaking of the Puritans, observed, “I peppered them soundly. They fled me from

* Winwood, ii. 13, 14.

† Neal, ii. 12. It was the bad fashion of these times for the government to issue their official versions of public proceedings on questions of general interest. The gunpowder conspiracy, and the fate of Sir Walter Raleigh, called forth treacherous documents of this description. On this subject see Criminal Trials, ii. 3—7.

argument to argument. I was forced at last to say unto them, that if any of their disciples had answered them in that sort, they would have fetched them up in place of a reply*,” the logic of the rod being well suited to such stupidity. A few passages from Barlow’s narrative will suffice to show the manner in which this debate was conducted, and will enable us to judge whether the review of it furnished any just cause of self-gratulation to the monarch.

In the last reign there were certain meetings of the clergy for conference on religious subjects called prophecyings, which Elizabeth, with her wonted jealousy of freedom, had seen it expedient to suppress, but which, as exercises admirably adapted to train the clergy to proficiency in their vocation, found a strenuous advocate in no less a personage than the wise and cautious Sir Francis Bacon †. The matter however was no sooner broached than James exclaimed, “If you aim at a Scottish Presbytery, it agrees as well with monarchy as God and the devil. Then Jack and Tom, and Will and Dick shall meet, and at their pleasure censure me and my council. Therefore I reiterate my former speech, *Le roi s’avisera*. Stay, I pray you, seven years before you demand that of me; and then if you find me grow pursy and fat, I may perchance hearken unto you, for that government will keep me in breath, and give me work enough.” Having thus informed his auditory, with more freedom probably than was intended, of the devout motives which had induced the preference of an Episcopal to a Presbyterian church, the king diverged to the question of the supremacy of the crown in ecclesiastical affairs, and for reasons which the following extract will sufficiently state: “After Queen Mary had overthrown the reformation in England, we in Scotland felt the effect of it. For thereupon Mr. Knox writes to the Queen Regent, a virtuous and moderate lady, telling her she was the supreme head of

* Hearne’s *Titus Livius*, 197.

† “The ministers within a precinct,” says Bacon, “did meet upon a week day, in some principal town, where there was some ancient grave minister who was president, and an auditory admitted of gentlemen and other persons of leisure. Then every minister successively, beginning with the youngest, did handle one and the same part of scripture, spending severally some quarter of an hour or better, and in the whole some two hours, and so the exercise being begun and concluded with prayer, and the president giving a text for the next meeting, the assembly was dissolved; and this was, as I take it, a fortnight’s exercise, which, in my opinion, was the best way to frame and train up preachers to handle the word of God, as it ought to be handled, that hath yet been practised. For we see orators have their declamations, lawyers have their moots, logicians their sophisms, and every practice of science hath an exercise of erudition and imitation before men come to the life; only preaching, which is the worthiest, and wherein it is more danger to do amiss, wanteth an introduction, and is ventured and rushed upon at first.” Certain considerations concerning the better Pacification and Edification of the Church of England. Works, vi. 61—97. Ed. Montagu. This admirable paper, and another on the same subject, intitled “An Advertisement touching the Controversies of the Church of England,” (Works, vii. 28—60) was presented to the king soon after his accession. Both abound in the most weighty and valuable observations, and strongly urge a policy in regard to the Puritans, the reverse of that which it had been the pleasure of Elizabeth to adopt, and which, as we shall see, it was the pleasure of James to continue.

the church, and charged her, as she would answer it at God's tribunal, to take care of Christ's evangil, in suppressing the Popish prelates, who withstood the same. But how long, trow ye, did this continue? Even till by her authority the Popish prelates were repressed, and Knox with his adherents being brought in were made strong enough. Then they began to make small account of her supremacy, when, according to that more light wherewith they were illuminated, they made a further reformation of themselves. How they used the poor lady, my mother, is not unknown, and how they dealt with me in my minority. I thus apply it. My lords the bishops, (this he said putting his hand to his hat) I may thank you that these men plead thus for my supremacy. They think they cannot make their party good against you but by appealing to it; but if once you are out and they in, I know what would become of my supremacy, for *no bishop no king*. I have learned of what cut they have been, who, preaching before me since my coming into England, passed over with silence my being supreme governor in causes ecclesiastical*." It was not without reason, that Sir John Harrington, himself no Puritan, described the king as using "upbraidings" rather than arguments. "He told them," says that writer, "that they wanted to strip Christ again, and bid them away with their snivelling. The bishops seemed much pleased, and said his majesty spoke by the power of inspiration. I wist not what they mean, but the spirit was rather foul-mouthed†." In conclusion the king, turning to Dr. Reynolds, the most considerable of the Puritan clergy present, said, "If this be all your party has to say, I will make them conform themselves, or else harry them out of the land, or do worse."

It will be observed that in this discussion the royal moderator was chief speaker, and singular was the impression which the ribaldry uttered by him seemed to produce on the venerable ecclesiastics and grave statesmen who listened to it. Bancroft, bishop of London, casting himself at the feet of his sovereign, exclaimed, "I protest my heart melteth for joy, that Almighty God of his singular mercy has given us such a king as since Christ's time hath not been." Whitgift, Archbishop of Canterbury, on hearing his majesty declare himself favourable to using the oath ex-officio, which, by requiring the accused to convict himself, was contrary to law and humanity, protested in his turn that his majesty had certainly spoken from the Spirit of God. Chancellor Egerton, that the lay courtiers might contribute something to this stream of eulogy, professed his belief that the king and the priest had never been so wonderfully united in the same person‡.

* Barlow.

† *Nugæ Antiquæ*, i. 181.

‡ Barlow's Account of the Conference at Hampton Court in the Phoenix Britannicus, i. Dr. Reynolds having made it an objection against the Apocrypha, that the author of the book of Ecclesiasticus held the same opinion with the Jews at this day, viz. that Elias in person was to come before Christ; and therefore as yet Christ, by that reason, has not come in the flesh; I say Dr. Reynolds having made this ob-

But the end of this proceeding was not yet. It was no small matter to tell the Puritan body that their religion was incompatible with loyalty; and that their sovereign regarded them as a people harbouring disaffection toward himself under the pretence of conscience toward their Maker. Men who are really conscientious in religion, whether wisely so or not, do not often become less so because made to suffer on that account;—the opposite result follows almost with the regularity of a law of nature, the enemy of their conscientiousness being generally viewed as the enemy of the object of their adoration, as well as of themselves. It was perilous to assure myriads of men that the only course by which the favour of their sovereign could be obtained, was one which they were persuaded would expose them to the displeasure of their God. In this state of things it was inevitable that the attention of the Puritans should be directed from the court to the parliament. Their weight was thus thrown into the popular scale, whether they would or not; and the king would have to lay his account with meeting the spirit of Puritanism in the halls of legislation, and in a temper much less manageable than in the mock conference at Hampton Court.

Nor should it be forgotten that the claims and the conduct of the Puritans in that conference were characterised by unusual moderation. The schemes of the more violent among them during the past reign had been frequently liable to objection as going beyond the circumstances and spirit of the times. The changes now sought would have contributed to the stability rather than the injury of the church. But while the plans of the former class were resisted as presumptuous and revolutionary, those of the latter were to be discarded, to use the royal language, as “a snivelling about imaginary evils.” But such are the artifices by which the powerful generally endeavour to retain their ascendancy—to ask much is to deserve punishment in the place of concession—to ask little is to become the precisian, complaining of trifles unworthy of notice*.

jection, his majesty calling for a Bible, first showed the author of that book; who he was, then the cause why he wrote that book; next analysed the chapter itself, showing the precedents and consequences thereof; lastly unfolded the sum of that place, arguing and demonstrating, that whatsoever Ben Sirach had said there of Elias, Elias had in his own person performed and accomplished.” *Ibid.* pp. 162, 163. This writer has not favoured us with the five hours’ discourse on topics of this nature, with which his majesty favoured the prelates on the first day of his meeting them. Neal, *ii.* 12.

* It was in January, 1604, that the Hampton Court Conference was held. On the following July the French ambassador thus writes: “The king is for ever following the chase in order to divert his spirit, saddened and discomposed by innumerable secret vexations, caused him by the queen; as also to rid himself of a portion of the wrath which he entertains against the lower house and the clergy. A Puritanical priest compared him to Jeroboam, and told him to his face, he had too little love and care for his subjects, to whom he owed so much. That instead of ruling with wisdom and dignity, he let himself be governed by a few, who by their intrigues seduced him to evil resolutions and abused his kindness. For proof, this preacher cited an endless list of individual traits, relating to church and state, which irritated the

CHAPTER III.

Meeting of Parliament—the King's Speech—Address of the Commons—Dispute respecting Elections—Union with Scotland, and case of the Bishop of Bristol—the Revenue—Exemption of Members from Arrest—Necessities of the Government—Subsidy delayed, and Parliament prorogued—Causes of this course of proceeding in the Commons—Civil Grievances—Religion—Strong prejudice of James against the Puritans—Conduct of the Puritans—how far censurable?

A FEW weeks subsequent to the meeting at Hampton Court, James summoned his first parliament. This measure had been so long delayed in consequence of an alarming pestilence, which from the time of the king's accession had not ceased to ravage the metropolis and its neighbourhood. To avoid the infection the court had been removed to different places during this interval. In the proclamation issued to convene the Great Assembly of the nation, the monarch betrayed the same arbitrary temper, and the same imprudence that were so observable in his conduct in the recent conference. It showed that James was solicitous to attach the authority peculiar to statutes of the realm to royal proclamations, and that he was not only disposed to assume the office of political instructor to his untaught subjects, but to assert a right of judging on certain questions connected with the return of members, which the Commons of the last reign had been careful to secure as privileges necessary to their independence. But the character of the persons returned at this juncture was felt to be the great point. "We admonish," said the monarch, "that there be great care taken to avoid the choice of persons either noted for their superstitious blindness one way, or for their turbulent humours other ways, because their disorderly and unquiet spirits will disturb all the discreet and modest proceedings in that greatest and gravest council."*

Meeting of
Parliament,
March 19,
1604.

When the two houses assembled James congratulated them on the pacific relations of the country with regard to the states of the continent, on the domestic tranquillity which resulted from the unanimity and affection so manifest on his accession, and on the prospect afforded by his appearance among them of a much nearer connexion between England and Scotland. But the great

The king's
speech.

king to the utmost, so that he caused the preacher to be arrested, and declared he had never in Scotland heard so scandalous a preacher." Beaumont. *Dépêches*. July 8. About six months later the same writer reports, "the Puritans are furious and speak very irreverently of the king's person, on account of which he, as I know, is in great anxiety." Jan. 12, Feb. 8.

* Rymer's *Fœdera*, xvi. 561. *Parliamentary History*, ii. 968. Ed. 1807. It was required in the proclamation, that the sheriffs should not return members for the decayed boroughs.

element of prosperity would be found in concord with respect to religion, and in approaching this topic there was matter for complaint. "At my first coming in," said the king, "although I found but one religion, and that the one which by myself is professed,—publicly allowed and by law maintained; yet found I another sort of religion, besides a private sect, lurking within the bowels of this nation. The first is the true religion, which by me is professed, and by law is established; the second is those they falsely call Catholics, but truly Papists; the third, which I call a sect rather than a religion, is the Puritans and Novelists, who do not so far differ from us in points of religion, as in their confused form of policy and purity—being ever discontented with the present government, and impatient to suffer any superiority, which maketh their sect insufferable in any well-governed commonwealth*."

But while the Puritans were thus denounced as a sect not to be suffered, the church of Rome was described as our mother-church, though defiled with some infirmities and corruptions, and his majesty was willing—even anxious, to meet its members in the midway, "so that all novelties might be removed on either side." In conclusion it was significantly intimated, that the new parliament would be much more profitably employed in looking to the due execution of old laws than in devising new ones.

From the complexion of this speech, we must suppose that the king was still labouring under much misconception with regard to the real strength of the Puritans—notwithstanding the number of clerical signatures that had been attached to the millenary petition. The sort of comparison instituted between this party and the Catholics, and the bare hint at a possible pacification with Rome, must have filled every genuine Puritan with indignation and alarm. They were men who had given proof under Elizabeth that when employed in checking the encroachments of tyranny, or in extorting concessions deemed necessary to the protection of their country against popery and oppression, they were not to be awed by the wrath of the powerful. In the present possessor of the throne they saw one to whom England owed no debt, and one whom none could fear, and few could respect, either at home or abroad.

It is not surprising, therefore, that the address of the Commons by their Speaker was studiously framed so as to declare the proper authority of parliament, and to point out the limits imposed by the constitution on the power of the crown. "By the power of his majesty's great and high court of parliament only," said that officer to the monarch, "new laws are to be instituted, imperfect laws reformed, and inconvenient laws abrogated, whose power therein is such and so absolute that no such laws can either be instituted, reformed, or abrogated, but by the unity of the Commons' agreement, the Lords' accord, and your majesty's royal and regal assent—for that this court

Address of the
Commons.

* Parl. Hist. ii. 977—988.

standeth compounded of two powers, the one ordinary, the other absolute; ordinary in the Lords' and Commons' proceedings, but in your highness absolute either negatively to frustrate, or affirmatively to confirm; but not to institute. The body of which court, or council of state, consisteth of two houses, the one the lower house of parliament, the members whereof are the knights of the shire, and burgesses of towns and corporations; the other the higher house, formed of the lords spiritual and temporal*."

In such language did the first English parliament assembled under the house of Stuart address its sovereign. That such statements would not be acceptable to the monarch was well understood, and that was the reason for making them the more distinct and emphatic; and it is to be especially observed, that the declarations thus made on the subject of parliamentary authority have respect—not to theories, but laws,—not to what it might be wise and just to do, but to what had been long since determined and established. Thus the struggle between the crown and the people under the Stuart family had its beginning from the moment they were brought together, and is to be marked, we must repeat, as one relating from its commencement to what should be *retained*, more than to what should be *introduced*; the innovation meditated being on the part of the sovereign, and not of the subject. The commons were not ignorant that the practice of the English government, and down even to very recent times, had been frequently arbitrary and tyrannical. But they were no less sensible that such practices were generally violations of the *law*, and their great maxim from this juncture was to resist all such outbreaks of power by a more vigorous appeal to the statutes which had been framed to prevent them.

The first point of formal dispute between the commons and the crown related to the right of the house to judge exclusively on all questions pertaining to the election and eligibility of its members. The king, in his recent proclamation convening the parliament, had seen it proper to declare, among other novel matters of instruction, that no outlaw could be returned. Sir Francis Godwin, member for the county of Buckingham, was rejected on this plea by the clerk of the crown, and a new writ being issued, Sir John Fortescue, a member of the council, was returned in his room†. But the commons insisted that the

They claim the sole authority of judging with respect to elections.

* Parl. Hist. ii. 989.

† The following entry of proceedings in the lower house in 1562 will show the usage of parliament in such instances at that period. "John Smith, returned burgess for Camelford, upon a declaration by Mr. Marsh that he had come to this house being outlawed, and also had deceived divers merchants in London, taking wares of them to the sum of 300*l.*, minding to defraud them of the same, under colour of the privilege of this house. The examination hereof, committed to Sir John Mason and others of this house, was found and reported to be true." But though the fact of outlaw, and the intention to defraud, were "reported to be true," John Smith retained his seat by a majority of 112 to 107. (Parl. Hist. i. 677.) In the interval

decision in such cases rested with the house alone, and having examined the case of Godwin, declared him eligible, and duly chosen. James fled to the judges, as the interpreters of the law; but as those functionaries held their office during the royal pleasure only, their authority in such a case was naturally viewed with suspicion by the house; the members accordingly protested against any appeal from the makers of the law to those whose office was to administer it.* After much altercation, it was agreed that both Sir Francis Godwin and Sir John Fortescue should be passed by, and a new writ granted. But as the king conceded, by Sir Francis Bacon, that the commons were "a court of record, and a judge of returns;" and as the new writ was issued by the house, and not by the king, the result was a victory on the side of the people. From this time, the right of the commons to be the sole judge in disputed elections has never been questioned. The court affected to look on the affair as of small moment, but it was well known that much importance was attached to it by the popular party, both on its own account, and as having supplied occasion for a trial of strength with respect to similar questions.†

The king's favourite project of an union with Scotland was coldly entertained. Commissioners were appointed, but a book, published in its favour by the bishop of Bristol, was denounced as containing "sundry slanderous passages, tending to murmurs, distraction, and sedition," and as intended to produce a prejudgment of the question. The author, who probably meant little more than to commend himself to his sovereign, was obliged to appear at the bar of the house, and to confess himself penitent for his offence. We shall have frequent occasion to notice the interference of parliament in such matters, as also the practice of the court in appealing to the opinion of the judges. But with respect to the former usage, it is to be observed that it embraced the only means possessed by the Puritan and popular party of exercising any control over the press, the licensing of publications being in the hands of the court. And with regard to the latter custom, it is to be remarked that the legal

from 1562 to 1604, the popular feeling had gained much ground in the constitution; and with these facts in his recollection, the reader may consult Hume on this particular.

* In defending their conduct on this point, the house stated, "In the memorable case of Sharp, which happened 31st of Henry VI., the judges being asked their opinions by the lords, answered in these words: 'It has not been used beforetime, nor becomes it us to determine matters concerning the high court of parliament, which is so high and mighty in its nature, that it is judge of the law, and makes that to be law which was no law, and that to be no law which is, and the determination of its privileges belongs to the lords in parliament, and not to the justices.'" Parl. Hist. i. 1097. The reader will find, that notwithstanding such assertions of its illegality, the Stuart princes never ceased to turn from the decisions of parliament, when opposed to their wishes, to the more pliable verdicts of the judges.

† It was found that Godwin had been outlawed, but it was urged that, admitting the validity of the objection, the sentence had been remitted by his majesty's general pardon at his inauguration. Winwood, ii. 19. Parl. Hist. i. 998—1017.

erudition discovered by the popular advocates in the commons was often such as to leave the partisans of the prerogative without refuge, except by obtaining a corrupt decision from the bench, where men might be placed and replaced at the pleasure of the crown. Still the conduct of the house toward the bishop of Bristol must be characterized, from the little we know of it, as intolerant and severe.

But the great object of James in assembling a parliament was to replenish the exchequer, and, after much unwelcome delay, the treasurer began to press this subject more seriously on the attention of the house. The important branch of revenue arising from duties levied on merchandise at the ports, then known by the name of tonnage and poundage, was voted to the crown in the manner usual on the accession of a new sovereign. Cecil then applied for the grant of a subsidy, which was a kind of property-tax voted from time to time by parliament. These subsidies, of which constant notice occurs in this period of English history, were reserved to meet those exigencies of government which were not supposed to be provided for by the permanent revenue. The revenue.

But the house hesitated on this point, and allowed itself to be drawn aside during several days in prosecuting a question of privilege. A member had been committed to the Fleet prison on some matter of debt, and the serjeant-at-arms was instructed to see him set at liberty without delay; but, to the surprise of the house, the warden of the prison refused, and with an obstinacy which justified the suspicion that his conduct was governed by those who sought to deprive the commons of that freedom from arrest which had been obtained with so much solicitude and effort under Elizabeth. After three examinations, and the punishment of very inconvenient accommodations in the Tower, the delinquent warden appeared on his knees at the bar, confessing his error and presumption, and his unfeigned sorrow that he had so offended that honourable house. The absent member appeared in his place. The penitence of his keeper was attributed to a private message from the king. Dispute respecting the exemption of members from arrest.

The debate on the subsidy was now resumed. During nine months, the house had managed to evade this question, while the difficulties of Cecil had multiplied daily. A courtier, in a letter dated two months prior to this time, writes, "My lord treasurer is much disquieted how to find money to supply the king's necessities, and protested to some of us poor men that were suitors to him for relief, that he knoweth not how to procure money to pay for the king's diet. We do here all apprehend that the penury will more and more increase, and all means be shut up for yielding any relief." Necessities of the government.

These forebodings it seems were not groundless, for even now, the

long-anticipated, and we may perhaps say the deeply-mortgaged subsidy, appeared to be more remote than ever. Judging from the temper of the house, James began to fear the mortification of a direct refusal, even to so moderate a demand, and from this his first parliament; an event which he would have looked upon as degrading him in the sight of all Europe. It was to avoid this catastrophe, that his majesty professed to have discovered reasons for not wishing to press just now on the means of his subjects, and requested that the application for a subsidy might be withdrawn. In less than a fortnight after making this communication, James prorogued the parliament. The session had lasted twelve months within a few days*.

It is no doubt true that the monarch needed the lesson which this seeming parsimony could not but convey. Even his apologists must admit that his habits of expense, though resulting from a facility of disposition towards those who obtained his favour more than from any other cause, were such as required a vigorous check. But when every allowance of this nature shall have been made, something more than we have yet seen is necessary to account for this cautious, this seemingly ungenerous course of proceeding on the part of the commons. The king, supposing him to have shown any reasonable consideration of the wishes and claims of his subjects, was surely entitled to the limited pecuniary

Conduct of the Commons at this juncture examined. .

* Parl. Hist. 1028, 1030, 1044, 1045. One effect of this session was to show James that he had greatly underrated the strength of the Puritans. Writing to Lord Howard while the question of a subsidy was pending, he says, "My faithful 3; such is now my misfortune, as I must be for this time secretary to the devil in answering your letters directed unto him. That the entering now into the matter of the subsidy should be deferred until the council's next meeting with me, I think no ways convenient, especially for three reasons: first, you see it has already been longest delayed of any thing, and yet you see the longer and further from it, and (as in every thing that concerns me) delay of time does never turn them toward me, but, by the contrary, every hour breedeth a new trick of contradiction amongst them, and every day produces new matter of sedition, so fertile are their brains in ever uttering forth venom; next, the parliament is now so very near an end, as this matter can suffer no longer delay; and thirdly, if this be not granted unto before they receive my answer to their petition, it needs never to be moved, for the will of man or angel cannot devise a pleasing answer to their proposition, except I should pull the crown not only from my own head, but also from the head of all those who shall succeed unto me, and lay it down at their feet. And that freedom of uttering my thoughts, which no extremity, nor strait, nor peril of my life, could ever bereave me of in times past, shall now remain with me as long as the soul shall with the body. And as for the reservations of the bill of tonnage and poundage, ye of the upper house must, out of your love and discretion, help it again, or otherwise they will in this, as in all things else that concerns me, wrack both me and all my posterity. Ye may impart this to little 10 and bigg Suffolk. And so far well from my wilderness, which I had rather live in (as God shall judge me) like a hermit than be a king over such a people as the pack of Puritans are that overrules the lower house." Printed from the MS. in Hallam's Constitutional History of England, i. 331, 332. In the secret correspondence between James and Cecil, 30 stood for the King, 10 for Cecil, and 3 for Lord Henry Howard. Birch's Memoirs, ii. 514.

aid which his servants solicited in his name. But no men could be more sensible than were the members of the lower house, that to judge properly of the relation in which they stood with respect to the sovereign at the close of this their first session, required attention to the whole of the occurrences forming the history of that session. Accordingly, as if looking forward to a sudden prorogation, they appointed a committee to draw up a succinct statement of what had passed; that, for their own vindication, and the instruction of posterity, the reasons of their conduct might be matter of full and permanent record*.

When accused of meddling with wardships, marriages, and purveyance, for the purpose of impairing the revenue of the crown, they replied, with justice and becoming indignation, that their sole object was to release the subject from those old and prolific sources of oppression; presuming, that, as with the proposal to abolish all such exactions they were careful to annex the offer of a permanent equivalent in another shape, the change was one that would commend itself to the patriotism of the monarch, no less than to that of the subject.

But what especially contributed to this umbrage of the Commons was the discouragement with which the king and his advisers had met every attempt toward the reformation of the Church. In fact, James, as though resolved not to credit the strength of the Puritans in that assembly, had applied himself to the government of the nation in a manner so independent of their aid, that it assumed the character of defiance. This they could not fail to see, and they acted accordingly. They extorted from the servants of the crown the appointment of a committee of both houses for the purpose of a conference on this important subject, though the sovereign had declared by proclamation that no further change was to be admitted. The particulars enumerated by the Commons committee, as those requiring deli-

Civil
grievances.

Religion.

* Sir Thomas Ridgway presented this paper to the house as the production of "a select committee." Hume, who describes it as the work of Sir Francis Bacon and Sir Edwin Sandys, states that its spirit of freedom was "much beyond the principles of the age," and that it failed to be adopted on that account, no trace of it appearing in the Journals. But the truth is, we find the first paragraph of it in the Journals; and from the debates of the lower house in 1621 it is manifest that the document was not only read, but adopted, its non-appearance in the Journals being matter of astonishment to those senior members who had been parties to the adoption of it. Nor will its having been presented to the king appear at all improbable, if it be remembered that all its great principles were embodied in the Speaker's address on the meeting of parliament. There is an allusion to the paper in "Truth brought to Light." Pref. It was first printed by Sir Matthew Hale, and may be seen in Petyt's "Jus Parliamentarium." Parl. Hist. i. 1030, 1042, 1335, et seq. We are not aware that the allusion to this document in the debates of the Commons in 1621 has been noticed by any preceding writer; and since we became acquainted with that reference, we find the following notice of it in one of Beaumont's unpublished despatches:—On the 10th of June, this writer remarks that the king made a speech to the house "full of anger," which was heard in silence, but was followed by "a justification of themselves in writing against all his imputations." Dépêches, June 12.

beration, were in substance the same with those inserted in the petition of the Puritan clergy, and which led to the meeting at Hampton Court. They especially regret the "pressing the use of certain rites and ceremonies of the Church; as the cross in baptism, the wearing of the surplice in ordinary parish churches, and the subscription required of ministers, further than is commanded by the laws of the realm; things which, by long experience, have been found the occasions of such difference, trouble, and contention in the Church, as thereby divers profitable and painful ministers, not in contempt of authority, or desire of novelty, as they sincerely profess, and we are verily persuaded, but from conscience toward God refusing the same, some of good desert have been deprived, others of good expectation withheld from entering into the ministry, and way given to ignorant and unable men, to the great prejudice of the free course and fruitful success of the gospel, to the dangerous advantage of the common adversaries of true religion, and to the great grief and discomfort of many of your majesty's most faithful and loyal subjects.*"

But all reasoning and entreaty on this subject was without effect; and as the sovereign had determined not to grant the reasonable wishes of the subject, the subject in his turn had determined not to comply with the otherwise reasonable wishes of the sovereign.†

And even when matters had manifestly come to this pass, the prejudices of the monarch only seemed to gather strength, and his passions to become more excited. "As God shall judge me!" he exclaimed in the ear of favourites, "I had rather live like an hermit, than be a king over such a people as the pack of Puritans are that over-rules the lower house."‡ This state of mind, indeed, had now acquired the force of habit; and gloomy, in many directions, was the prospect which it boded. Five years had now passed since his majesty had penned the advice to his son, which found its way abroad under the title of 'Basilicon Doron,' and it is after this manner that he there speaks of the Puritans of Scotland. "There never rose faction in the time of my minority, nor trouble since,

Strong prejudice of James against the Puritans.

* Parl. Hist. i. 1023—1026.

† Of the impression which the conduct of the king at this time was adapted to make on the mind of the by-stander, some judgment may be formed from the following report of the French ambassador:—"James has written to the lower house a letter full of reproaches, and in a style which I submit privately to your majesty, only to remark that this mode of proceeding is very unusual and very prejudicial to the prince. The letter has also been very ill taken; great complaints have been raised of it, and very bitter and hostile judgments fallen upon it. The king, therefore, determined to tell the lower house, in a second letter, that he had not intended to offend them, but only to gain them over to reason. They, however, are by no means satisfied; and if they were more angry, and spoke more bitterly of the first letter, they scoff more at the second. King James, in spite of all this, lives in the conviction that he is wiser than all his councillors; and is able, in spite of all complications, to remain neuter, and enjoy peace and repose. I, on the other hand, contemplate the approach of much misfortune and confusion; and can assure your majesty, that you have rather reason to reflect on and compassionate his perversity and its ruinous results, than to fear his power." Beaumont, *Dépêches*, Mai 13, 26, 1604.

‡ See note, p. 32, book ii. *passim*.

but they that were upon that factious part were ever careful to persuade and allure these unruly spirits among the ministry to spouse that quarrel as their own; where through I was often calumniated in their popular sermons, not for any evil or vice in me, but because I was a king, which they thought the highest evil. And yet for all their cunning, whereby they pretended to distinguish the lawfulness of the office from the vice of the person, some of them would sometimes snapper out well grossly with the truth of their intentions; informing the people that all kings and princes were naturally enemies to the liberty of the Church, and could never bear patiently the yoke of Christ:—with such sound doctrine fed they their flocks. And because the learned, grave, and honest men of the ministry were ever ashamed and offended with their temerity and presumption, there could be no way found out so meet in their conceit for maintaining their plots, as parity in the Church—parity, the mother of confusion. Take heed, therefore, my son, to such Puritans, very pests in the Church and commonwealth; whom no deserts can oblige, neither oaths nor promises bind; breathing nothing but seditions and calumnies, aspiring without measure, railing without reason, and making their own imaginations (without any warrant of the word) the square of their conscience. I protest before the great God, and as I am here upon my testament it is no place for me to lie in, that ye shall never find with any highland or border-thieves greater ingratitude and more lies and vile perjuries than with these fanatic spirits. And suffer not the principal of them to brook your land, if you like to sit at rest.” The remedy for these inveterate evils, it is added, would be found in the reinstatement of bishops, not only in the Church, but in the parliament.

It is not easy to read the above extract without supposing that James had seen instances of base and violent conduct in the party to which it refers. Some were, probably, as he describes them, “fanatic spirits,” and more scrupulous in regard to the points of their sectarianism, than about some weightier matters. But no dispassionate man will believe that such was their general character, or that in the disorders adverted to the king had been so free from “evil or vice” as he seems to have supposed. With respect to the Puritans of England, it may be safely affirmed, that while not altogether devoid of the elements of character with which James had been so deeply offended in Scotland, their temper and conduct were such as should have secured his respect and sympathy. So far were they from manifesting the artifice and turbulence imputed to the Scots, that their manners as a body during the whole of this reign were characterized by a wise admixture of the devout and the moral virtues; and by a deference to authority, which, coupled as it was with an ardent love of freedom, erred on the side of patient decorum, rather than on that of rudeness or violence. Let attention be given to the following passage from a document in which the Commons de-

Conduct of the
Puritans—
how far
censurable.

fended their conduct as the advocates of these people, and then let the question be asked, whether the men who so express themselves, or the party which they represent, or, at least, whose cause they were always willing to plead, could deserve to be confounded with the class of persons set forth in such odious colours by the passions of the monarch. "For matter of religion, it will appear by examination of truth and right, that your majesty should be misinformed, if any man should deliver that the kings of England have any absolute power in themselves either to alter religion, (which God defend should be in the power of any mortal man whatsoever) or to make any laws concerning the same, otherwise, than, as in temporal causes, by consent of parliament. We have, and shall at all times by our oaths, acknowledge, that your majesty is sovereign lord and supreme governor in both. Touching our own desires and proceedings therein, they have not been a little misconceived and misreported. We have not come in any Puritan or Brownish spirit to introduce their party, or to work the subversion of the state ecclesiastical as now it standeth, things so far and so clearly from our meaning, as that with uniform consent, in the beginning of this parliament, we committed to the Tower a man who out of that humour, in a petition exhibited to our house, had slandered the bishops. We disputed not of matters of faith and doctrine; our desire was peace only, and our device of unity; how this lamentable and long-lurking dissension among the ministers, from which both atheism, sects, and all ill life have received such encouragement, and such dangerous increase, might at length, before help came too late, be extinguished. And for the ways of this peace we are not at all addicted to our own inventions, but ready to embrace any fit way that may be offered; neither desire we so much that any man in regard of weakness of conscience may be exempted after parliament from obedience unto laws established, as that in this parliament such laws may be enacted, as by the relinquishment of some few ceremonies of small importance, or by any better way, a perpetual uniformity may be enjoined and observed. Our desire hath also been to reform certain abuses crept into the ecclesiastical state even as into the temporal: and, lastly, that the land might be furnished with a learned, religious, and godly ministry; for the maintenance of whom we would have granted no small contributions, had we found that correspondency from others which was expected."*

It must be admitted that the spirit of the Puritans, goaded by the tyranny of Elizabeth's government, was not always so moderate and decorous as that of their advocates in the House of Commons. Of the Brownists, mentioned in the above passage, we shall have occasion to speak in another place. They were a sect distinguished from the Puritans as being opposed to any official interference of the magistrate in religious matters; and were the opponents, in consequence, of all civil establishments of christianity.

* Parl. Hist. i. 1039.

CHAPTER IV.

Proceedings in the Houses of Convocation—Relation subsisting between the civil and ecclesiastical states in the English constitution—Theory of Elizabeth on this subject—How regarded by the Commons and her ministers—Ground on which the Puritans complained of their grievances as being contrary to law—Attempt of James to increase the power of the Houses of Convocation—Proceedings of these houses on the accession of Elizabeth and James compared—Severity of the regulations adopted in the Convocation of 1604—Enlightened sentiments of the bishop of St. David's—James obtains unconstitutional aid from the judges and the council—Character of the Puritans according to the Archbishop of York—The Puritans persecuted—Importance of correct views with regard to the Puritan controversy.

WHILE the court was thus employed in a vain attempt to subdue the strength of the Puritans in the Commons, the majority of the clergy in their Houses of Convocation were acting on the same policy. These houses were composed of the prelates and dignified churchmen, forming what was called the upper house ; and of the representatives of the inferior clergy, as the lower house ; and both assemblies were now convened, as was usual on the meeting of a new parliament, by the call of the monarch. These ecclesiastical parliaments, if we may so describe them, were common to all the states of Christendom during the middle ages ; and were not only the authority with which it rested to decide on most ecclesiastical matters, but the only channel through which the property of the clergy could be taxed for the service of the state. The popes had always exercised a general controul over these representative bodies in matters spiritual and temporal. But in England, from the time of the Reformation, the power of these clerical assemblies had been strictly subject to that of the crown, the assent of the monarch being in all cases necessary to the validity of their decisions.

It may not appear to be the most natural relation of things that the wisdom of an ecclesiastical body should be made to bow to that of a lay tribunal, and this with regard to the most perplexing questions of theology. But such is the relative position of the civil and ecclesiastical states in the English constitution. The taught are assumed to be better guides than their teachers, and upon the very topics which are the matter of instruction between them. Experience, however, has shown, that what has so inverted an appearance in theory, is the most salutary arrangement in practice ; and both experience and reflection teach, that the only condition on which the Church could be

The Houses of
Convocation.

Relation be-
tween the
civil and eccle-
siastical states
in the English
constitution.

justified in aspiring to an independence of the state, would be that of resolving not to rest upon its bounty. Equity demands that it should be controlled by the state so long as it is supported by it.

Theory of Elizabeth on this subject;—how regarded by the Commons and by her ministers.

Elizabeth was desirous it should be understood that the function of the civil power in relation to the Church resided in herself alone, or, at most, in herself with certain ecclesiastical commissioners appointed by parliament. But nothing had been more common in English history, especially since the age of Wycliffe, than the interference of both Lords and Commons in such matters, whether as relating to the claims of the pontiff or of the crown; and through the long reign of the last Tudor sovereign, the Commons had contended that the authority of the monarch in regard to the affairs of the Church, in common with those of the state, could only be exercised through the medium of parliament, the ecclesiastical commissioners being persons delegated by that power, and always liable to be recalled by it. The circumstances of Elizabeth with regard to the Catholic states of Europe, and with respect to such of her subjects as were professors of the Catholic faith, did not allow of her manifesting all the repugnance to this doctrine which she really felt; for as a matter of policy it was often found expedient to lay the real or supposed guilt of suppressing Catholicism on the English parliament, whose laws were appealed to as the instruments which had given existence to Protestantism in England, and occasioned the course adopted. On this subject the language of the great Lord Burleigh, writing to his son, afterwards Sir Robert Cecil, is worthy of notice. “The allegation of the popish ministers at Paris, noting that her majesty did promise favour, and afterwards did show extremities to the Catholics, is false. For her majesty at her entry prohibited all change in the form of religion, as she found it by law; and when by law it was otherwise ordered by parliament, she did command the observation of the law newly established, punishing only the offenders according to law. And afterwards when offenders of the Church did become rebels and traitors, and compassed her majesty’s death, and procured invasion of the realm by strange forces, the realm by parliament provided more sharp laws against such rebels and traitors, and so her majesty’s actions are justifiable at all times, having never punished any evil subject but by warrant of law.”* Thus the odium of persecution was transferred from the personal inclination of the sovereign, and made to rest with the great national assembly, the government in the exercise of its highest functions being no more than the minister of its will.

The reader must bear this state of things in mind, if he would understand the language of the Puritans when they describe many of the

* Murdin’s State Papers, p. 666.

injunctions laid on them, not only as grievous, but as *unlawful*. For it was their uniform doctrine, that the decrees of convocations could not possess the authority of laws, unless sanctioned by a vote of parliament. The royal assent, it was contended, was not sufficient for this purpose without an act of the legislature. Now this sanction of parliament had never been attached to the decisions with respect to church authority and religious ceremonies, which, so much to the umbrage of the Puritans, had been adopted in the first Convocation under Elizabeth. The doctrinal articles set forth in the name of that body, and called "The Articles of Religion," were approved; but what remained became the subject of fierce dispute, and passed even in the Houses of Convocation by a single vote only. Had the prelates been content with the service-book as left by Edward VI., the general law, which soon after the accession of Elizabeth restored the protestant church as it had existed under that prince, might have been pleaded as a sufficient warrant for coercing nonconformists. But the Convocation which then met was led to attempt a revision of that book; and by producing it in an amended form, made it necessary, in order to its being legally enforced, that it should receive a new confirmation from the legislature. Through the influence of the Puritans in the lower house this confirmation was refused, and the design of the refusal was, that the odium of enforcing the obnoxious ceremonies should not attach to the law, but to the queen and her favourite clergy.

Ground on which the Puritans complained of their grievances as being contrary to law.

On this subject a characteristic anecdote was repeated by Wentworth in the parliament of 1595. "I have heard from old parliament men," said that patriotic senator, "that the banishment of the pope and popery, and the restoring of true religion, had their beginning from this house, and not from the bishops; and I have heard that few laws for religion had their foundation from them. I was, amongst others, in the last parliament sent unto the bishop of Canterbury for the articles of religion that then passed this house. He asked us why we did put out of the book the articles for the homilies, consecrating of bishops, and such like? 'Surely, sir,' said I, 'because we were so occupied in other matters that we had not time to examine them how they agreed with the word of God.'—'What!' said he, 'surely you mistook the matter; you will refer yourselves wholly to us therein?'—'No, by the faith I bear to God,' said I, 'we will pass nothing before we understand what it is, for that were but to make you popes; make you popes who list,' said I, 'for we will make you none.' And surely, Mr. Speaker, the speech seemed to me to be a pope-like speech; and I fear, lest our bishops do attribute this of the pope's canons unto themselves—'Papa non potest errare ('the pope may not err'); for surely if they did not they would reform things amiss.*"

* Parl. Hist. 790.

Such were the settled views of the Puritans as to the power of the Convocation; and the motives which disposed them to limit the authority of that assembly as much as possible were precisely those which taught James to seek its enlargement. It was, therefore, in pursuance of his general policy that the king endeavoured to prevent the houses of parliament from concerning themselves with ecclesiastical affairs, except in connexion with the clerical body in convocation. But this method of proceeding was no sooner named than rejected, not only as being a novelty, but as opposed to the rights of parliament, the supreme court of the nation in all affairs, as well ecclesiastical as civil. The prelates, indeed, possessed seats in parliament, and with them, as lords of parliament, the Commons were not unwilling to confer.

It has been necessary to take notice of these particulars thus distinctly, as they relate to points that will frequently occur in our future narrative, and especially as the circumstances and effects which marked the proceedings of the Houses of Convocation on the accession of Elizabeth were very much the same with those which attended the assembling of those houses on the accession of James I. The enactments of both assemblies were sufficiently numerous and formidable to afford much perplexity to tender consciences; both laboured under the same deficiency, being denied the sanction of parliament; the decrees of both were nevertheless enforced, and with much severity, through the aid of the court, and this in the face of the loudest protests as to the illegality of such proceedings.

In the memorable Convocation of 1604, nearly a hundred and fifty regulations on church matters were agreed to, almost without the appearance of deliberation. All these enactments breathed more or less of the spirit of intolerance; and, what is more, all are unrepealed to this day. Every man who should presume to question the authority of this assembly as representing the Church of England, or who should affirm the exemption of clergy or laity from its control; the man who should describe that Church as not "apostolical;" or the book of common prayer as containing "anything repugnant to scripture;" who should dare to separate from the Established Church, or assert that any assembly so separated could be a lawful Church;—if convicted of these, or of many similar offences, had sentence of excommunication pronounced against him—a sentence, be it remembered, which not only excluded the delinquent from the communion of the Church, but made him incapable of suing for his lands or for debts, of serving on juries, or of giving evidence as a witness. Having harassed their victim through life, the authors of these canons denied him christian burial, and consigned him in form to the keeping of the powers of darkness!

Attempt of James to augment the power of the Convocation.

Proceedings of the Convocations on the accession of Elizabeth and James compared.

Severity of the regulations adopted in the Convocation of 1604.

It was not without reason, therefore, that the popular party in the Commons looked with much suspicion on the measures of convocations. The spirit of the times taught the courts of law to regard the canons published in 1604 as binding on the clergy only, and to issue frequent prohibitions, as had been often done in the last reign, for the purpose of securing the laity against the civil disabilities to which the fact of excommunication exposed them. The ruling clergy however, insensible to the changes that were forcing their way on either hand, did their utmost to prevent this humane interference, and with so much success was this policy pursued, that the Puritan ministers, as we shall presently find, were left almost entirely at the mercy of their ecclesiastical superiors and of the court.

Among the higher clergy, one voice only seems to have been raised on the side of moderation and forbearance;—it was that of Dr. Rudd, bishop of St. David's. A petition was presented to the Convocation from some Puritan ministers, that certain parts of the book of common prayer might be revised; and the answer speedily returned was, that the alternative soon to be placed before the petitioners was—conformity or deprivation. Dr. Rudd professed himself incapable of seeing either the wisdom or justice of such a course, and did not hesitate to affirm that the labourers whom his brethren were about to expel from the too much neglected vineyard of the Church, were men whose places could not be soon supplied by others equally qualified. The prelate further admonished his auditory, that the expulsion of those persons must go forth as the act of the bishops, and could not fail to exasperate a large portion of the people against them; while on all occasions it would behove them to remember that reason and persuasion were much the more legitimate weapons with which to assail misguided consciences. “To conclude,” said the friend of justice and humanity, “I wish that if by petitions made to the king's majesty there cannot be obtained a complete removal of the premises which seem too grievous to divers, nor yet a toleration for them that are of the more staid and temperate carriage, yet at least there might be procured a mitigation of the penalty, if they cannot be drawn by our reasons to a conformity with us.*” This was not soliciting much, but several of the bishops opposed themselves to this advice, and even this was refused.

The prorogation of parliament left James to become daily more sensible of the inconvenience to which the “pack of Puritans” in the Commons had exposed him by withholding the expected subsidy, and he now resolved to annoy his opponents by enforcing the new canons against their favourites,—the nonconformist clergy. But that these Convo-

Enlightened
sentiments of
the bishop of
St. David's.

James obtains
unconstitu-
tional aid from
the judges and
his council.

* Peirce's Vindication of the Dissenters, 158—164, in which the speech was first printed. There is also a MS. of it in the Lansdowne collection in the British Museum.

cation enactments were not of the nature of laws, until confirmed by parliament, was understood by some, and suspected by others. For the purpose of removing this difficulty, the judges and law officers were summoned to meet the sovereign in the Star-chamber, where several questions bearing on the point were submitted to them. The lords of the privy council, it appears, felt no scruple in raising the prerogative to almost any height on such matters. The judges, and still more strenuously Coke the attorney-general, ventured to urge the opposing claims of the law. But in the end the majority were pleased to affirm that the king might give the force of law to regulations for the government of the Church without waiting for the consent of parliament, and that the royal commissioners might be empowered to see them administered. It was also declared that persons framing petitions to the king, procuring to them numerous signatures, and stating therein that many thousands of his majesty's subjects would be discontented if the suit of such petitions should be denied, were guilty of an offence approaching very near to felony and treason, and might be fined at discretion. Armed with this spurious authority, James resolved to deprive the nonconformist clergy of their livings, and at the same time to preclude the expression of any popular sentiment in their favour. Tyranny has made alarming progress, when it not only has the power to inflict wrong, but to prevent all expression of complaint under it*.

Character of the Puritans according to the Archbishop of York. It is a relief to turn from these instances of intolerance supplied by the ministers of religion, and of corruption and suberviency afforded by the guardians of the law, to the intelligence and humane integrity of the following passage from a letter of Dr. Hutton, at this time Archbishop of York. Writing to lord Cranbourne, the venerable prelate remarks,—“I have received letters from your lordship, and others of his majesty's most honourable privy council, containing two points. First, that the Puritans be proceeded against according to law, except they conform themselves. Secondly, that good care be had unto greedy patrons, that none be admitted in their places but such as are conformable, and otherwise worthy for their virtue and learning. I have written to the three bishops of the province, and, in their absence, to their chancellors, to have a special care of this service; and therein have sent copies of your letters, and will take present order within my own diocese. I wish with all my heart that the like order were taken and given, not only to all bishops, but to all magistrates and justices, &c., to proceed against papists and recusants, who of late, partly by this round dealing against Puritans, and partly by reason of this extraordinary favour, have grown mightily in number, courage, and influence.

“The Puritans, whose fanatical zeal I dislike, though they differ in ceremonies and accidents, yet they agree with us in substance of religion; and I think *all*, or the *most part* of them, *love his majesty and the pre-*

* Neal, ii. 35—37. Winwood, ii. 44. Dalrymple's Memorials, i. 22—23.

sent estate, and I hope will yield to conformity. But the Papists are opposite and contrary in very substantial points of religion, and cannot but wish the pope's authority and popish religion to be established. I assure your lordship 'tis high time to look unto them; very many are gone from all places to London, and some are come down to this country in great jollity, almost triumphantly. But his majesty, as he hath been brought up in the gospel, and understands religion exceeding well, so he will protect, maintain, and advance it even unto the end; so that if the gospel shall quail and popery prevail, it will be imputed principally to your great counsellors, who either procure or yield to grant toleration to some. Good my lord Cranbourne, let me put you in mind that you were born and brought up in true religion. Your worthy father was a worthy instrument to banish superstition and to advance the gospel: imitate him in this service especially. As for other things, I confess I have not to deal in state matters; yet, as one that honoureth and loveth his most excellent majesty with all my heart, I wish less wasting of the treasure of the realm, and more moderation of the lawful exercise of hunting, both that the poor men's corn may be less spoiled, and other his majesty's subjects more spared*."

What renders the candour of this judgment with regard to the Puritans the more creditable to them and its author is, that the writer had been a close observer of the spirit and conduct of that party from the early part of the last reign; and in another paper, which still exists, has presented a vigorous outline of the Puritan controversy, and of the changes it underwent, from the accession of Elizabeth to the times of which we are now treating.

But timidity often leads to cruelty, the inordinate fear of evil producing a readiness to employ inordinate means of protection against it; and thus the fears of James, which con- Persecution of
the Puritans. nected puritanism with every attribute of disloyalty and rebellion, taught him to provide for his own safety by shutting his ears against every plea that might be urged in favour of his supposed enemies. "The Puritans," said an observer at this time, "go down on all sides; and though our new bishop of London proceeds but slowly, yet at last he hath deprived, silenced, or suspended all that continue disobedient; in which course he hath won himself great commendations of gravity, wisdom, learning, mildness, and temperance, even among that faction; and indeed is held every way the most efficient man of that coat: yet those that are deprived wrangle, and will not be put down, but appeal to the parliament, and seek prohibitions by law; but the judges have all given their opinions that the proceedings against them are lawful, and so they cannot be relieved that way. Then they take another course, to ply the king with petitions, the ringleaders whereof were Sir Richard and Sir Valentine Knightley, Sir Edward Montague, with some

* Winwood, ii. 40.

three or four score of gentlemen more, that joined in a petition for the ministers of Northamptonshire last week, which was so ill taken, that divers of them were convened before the council, and told what danger they had put themselves in by these associations, and that thus combining themselves in a cause against which the king had his mislike, both by public act and proclamation, was little less than treason; that the subscribing with so many names were *armatæ preces*, and tended to sedition, as had been manifestly seen heretofore both in Scotland, France, and Flanders, in the beginning of those troubles*.” Another contemporary remarks, “The poor Puritan ministers have been ferreted out of all corners, and some of them suspended, others deprived of their livings. Certain lecturers are silenced, and a crew of gentlemen of Northamptonshire who put up a petition to the king on their behalf, told roundly of their boldness both at the council-table and star-chamber; and Sir Francis Hastings, for drawing the petition and standing to it when he had done, is put from his lieutenancy and justiceship of the peace in his shire. Sir Edward Montague and Sir Valentine Knightley, for refusing to subscribe to a submission, have the like sentence. The rest, upon an acknowledgment of a fault, have no more said to them†.” Again we find—“The Puritans about Royston, to the number of about seven or eight-and-twenty, presented to the king, as he was hunting there, a petition in favour of their ministers, a copy thereof I shall be able to send you by the next. The king took in ill part this disorderly proceeding, commanded them presently to depart, and to depute ten of the wisest among them to declare their grievances, which ten were sent to the council, who, after examination, gave them their mittimus. Upon their bail they are bound over to be ready to answer the matter before the lords when they shall be summoned‡.”

These indications of sympathy with the cause of the Puritans, and shown by persons of high local influence, are in accordance with what we have seen in the conduct of the parliament, and serve to place the weakness of the court policy in a still stronger light. Considerable difficulty now arose both from the number of the ministers who proved non-conformists, and from the number and weight of the persons who continued to appear as their advocates. According to a writer, whose work § was known to James and deemed unanswerable, not less than three hundred nonconforming ministers were sufferers by the proceedings now

* Winwood, ii. 49.

† Ibid. 48.

‡ Ibid. 36.

§ Calderwood's *Altare Damascenum*. “Anno secundo post adventum Regis in Angliam 300 ministri, vel libertate conscionandi mulctati, vel beneficio privati, vel excommunicationis fulmine icti, vel in carcerem coniecti, vel solum vertere coacti; et restauratæ Papatus reliquiæ, quarum usus plerisque locis ante obitum felicissimæ Elizabethæ obsoleverat.” Pref. James, after reading this book, was observed to be “somewhat pensive,” and a prelate inquiring the reason, the king “told him he had read such a book; on which the prelate, not willing that such an affair should trouble his majesty, said they would answer it; he replied, not without some passion, ‘What will you answer, man? There is nothing here than scripture, reason,

instituted. "It is hard," observes a contemporary courtier, "to say what course were best to take; for that more show themselves opposite than was suspected; and the bishops themselves are loth to proceed too rigorously in casting out and depriving so many well-reputed of for life and learning, only the king is constant to have all come to conformity. Though he seek to be very private and retired where he is, yet he is much importuned with petitions on their behalf, and with foolish prophecies of danger to ensue." In order to meet this perplexity, the court descended in some measure from the high ground it had taken, consenting that men should "be pressed (for the time only) to conformity; and it being discerned that the number of refusers would still be great, they have since fallen yet lower, accepting of some the use of the cross and surplice only, of others only a promise to use them, and of some the profession of their judgment only that they may be used, without pressing them to the use of them at all*."

We have dwelt the longer on the circumstances and the exact nature of the controversy between the court and the Puritans at this crisis, as a distinct acquaintance with their particulars is strictly necessary to an accurate knowledge of English history under the house of Stuart. It is the confession of their enemies that to this people we "owe the whole freedom of our constitution;" and the character of that religious struggle, which has given this secular importance to their history, is but very partially and imperfectly exhibited in our most popular histories. The principles which made them Protestants made them Puritans, teaching them to regard oppression as an evil to be resisted, whether practised by popes, by princes, or by a Protestant clergy. Animated by these principles, and persecuted by the crown and the court clergy, the Puritans not only became connected with every popular movement, but gave to every such movement the peculiar energy of religious motives. The interests of religion and of civil freedom were seen to be every where interwoven, so that to forsake either would be to give an ascendancy to the enemies of both; and, what affected the Puritans greatly more was, that by such conduct they would expose themselves to those penalties in a future world, which they feared much beyond any that could be inflicted by man. It is confessed that their views of freedom, especially in regard to religion, were not in all respects equally enlightened; but they were views sufficiently just to render these persons the great conservators of English liberty as then secured

Importance of correct views with regard to the Puritan controversy.

and fathers.'" Pref. ed. 1708. James would hardly have said this, if Calderwood had magnified the number of sufferers among the Puritan clergy from some fifty to three hundred, as affirmed by Heylin. *Aer. Rediviv.* p. 367.

* "A short dialogue, proving that the ceremonies, and some other corruptions now in question, are defended by none other arguments than such as the papists have heretofore used and our Protestant writers have long since answered." 1605. *Parl. Hist.* ii. 1136. *Neal*, ii. 38, 39.

by law, and the means of transmitting it to future generations in a form still more safe and ample. At this time, the alternative placed before them was to forego the public worship of their Maker, or to conform to usages which they believed to be contrary to his will. Had their persecutors allowed them to form separate assemblies, much of their just ground of complaint would have been removed; but from any separation they were prohibited by the sternest interdicts. These interdicts show it to have been well understood, that not a few were ready to avail themselves of such a liberty had it been conceded; and a small space would probably have sufficed to remove the scruples of such as might not at once have seen the propriety of following so untried a course; for it must be remembered that hitherto liberty and uniformity had been the watchwords of the reformed churches hardly less than of the Romish, the only difference being that the creed and the formularies were described as of a Protestant, and not of a Catholic origin. The existence of a national church allowing the operation of a vigorous dissent was unknown, except where the two great bodies of Protestants and Catholics were so considerable as to make some such adjustment unavoidable. This was long the state of things in France.

CHAPTER V.

Case of Pound, a Catholic—State of the English Catholics—The Gunpowder conspiracy—Character of the conspirators, and progress of their enterprise—Their ulterior plans—Letter to lord Mounteagle—Failure of the plot—Apprehension and fate of the conspirators—Case of the Jesuit missionaries—Garnet—Meeting of parliament—King's speech—New penal laws against Catholics—Justice of these enactments considered.

THE penal laws against Catholics were on the whole less rigorously enforced than at some intervals during the last reign. We find, however, that these enactments were not so far allowed to sleep but that cases of hardship occurred; and these instances were deemed the more grievous by the Christians of that communion, as being contrary to the indulgence with which they had flattered themselves on the king's accession. One case of this nature which occurred at this juncture served to mark but too vividly the spirit of the times. It is thus mentioned in a letter to Winwood. "This Star-chamber day was determined the case of one Pound, a gentleman who accused serjeant Philips of injustice for condemning to death a neighbour of his only for entertaining a Jesuit. The lords by their sentence declared the condemnation to be lawful, condemned Pound to lose one of his ears here in London, and the other in the country where he

dwelleth, to fine 1000*l.*, and to endure perpetual imprisonment if he impeach not those who advised him to commence his suit; and, if he would confess, this sentence should be revoked, and their lordships would otherwise determine according to reason. In the meantime, Pound lieth close prisoner in the Tower*.” Further mention is made of this sufferer by Father Parsons in his subsequent controversy with James concerning the oath of allegiance. “I pass over,” he observes, “the cruel sentence of cutting off the ears of so ancient and venerable a gentleman as is Mr. Thomas Pound, that had lived above thirty years in sundry prisons, only for being a Catholic, and now last in his old age, that had honour from God, as to be sentenced to lose his ears, and stand in the pillory in divers markets, for complaining of hard measure and unjust execution used against Catholics, contrary, as he presumed, to his majesty’s intention.” Admitting Pound to have been, as indeed this extract itself shows, a notorious recusant, and probably no very faithful subject, the above proceeding should not be remembered without indignation. But the court of Star-chamber was a tribunal where many a lawless and merciless judgment had been pronounced. When the question of its extinction comes to be agitated, we shall have occasion to examine its character and history.

The fanatical excess to which the spirit of disaffection had in some instances attained, even in the early part of this reign, be-
 came manifest in the gunpowder conspiracy. We have
 seen that the English Catholics had confided in the new
 monarch to grant a toleration of their worship, or at least some relax-
 ation of the laws proscribing their religion. In the place of such im-
 provement in their condition, they now found themselves greater sufferers
 than under Elizabeth. James, indeed, was not personally disposed to
 such a course of proceeding; but his fixed purpose of dealing severely
 with the Puritans made it necessary that a similar course should be pur-
 sued toward this second and more obnoxious class of religious malcon-
 tents; added to which, the fines imposed by the law on Catholic recu-
 sants,—a name given to all persons refusing conformity with the worship
 of the Established Church,—were coveted by the king’s Scotch depend-
 ants, and were transferred in many instances as means of satisfying such
 claimants on the royal bounty. The Commons, while sufficiently hostile
 to these foreign cormorants (as they were deemed), were loud in their
 demands for a strict execution of the laws against Catholics, and were
 disposed to increase rather than diminish the number of such laws.
 That those people should be despoiled by Scotsmen was not a gratifying
 circumstance, but it was much more endurable than that their sup-
 posed plots and heresies should go unpunished. It is no matter of
 wonder, therefore, that the sufferers complained with much bitterness of
 their injuries. They not only found themselves exposed to a system of

* Winwood, ii. 26.

spoliation on account of their religion, but saw themselves impoverished to meet the rapacity of the stranger. By the existing laws, " Catholics were not only forbidden to use the rites and ceremonies of their own faith, but were required to attend upon the services of a Church which, if conscientious and consistent, they were bound to abhor as heretical and damnable. If they refused or forbore to come to a Protestant church, they were liable to a penalty of 20*l.* for every lunar month during which they absented themselves. The public exercise of the social rites of their own Church was virtually interdicted, for it was enacted, 'that every priest saying mass was punishable by a forfeiture of two hundred marks, and every person hearing it, by a forfeiture of one hundred marks, and both were to be imprisoned a year, and the priest until his fine was paid.' The ministers of their religion, without whose presence they were precluded from the exercise of the sacraments and other rites, were in effect proscribed and banished; for by an act passed in 1585 (27th of Eliz. c. 2.), it was enacted, 'that all Jesuits, seminary and other priests, ordained since the beginning of the queen's reign, should depart out of the realm within forty days after the end of that session of parliament; and that all such priests ordained since the same time should not come into England or remain there under the pain of suffering death, as in case of treason.' It was also enacted by the same statute, 'that all persons receiving or assisting such priests should be guilty of a capital felony.' When a person confessing the popish religion was convicted in a court of law of absenting himself from the established church, he was termed a 'Popish Recusant convict;' such a person was liable, by the 35th of Eliz. c. 1, to be committed to prison without bail until he conformed and made submission; if he did not within three months after conviction submit and repair to the established church, he must abjure the realm; and if he refused to swear, or did not depart upon his abjuration, or if he returned without licence, he was guilty of felony, and might suffer death as a felon without benefit of clergy. No doubt these rigorous laws were not at all times enforced to their utmost extent; but they placed the whole body of the Catholics at the mercy of the Protestant government, who were enabled to crush or spare them at their discretion or caprice; for them, therefore, there was no liberty, personal or religious, but such as the privy council thought proper to allow; and with reference to their religion, the law gave them no rights, and afforded them no protection*." Such was the state of the English Catholics when the many real or imaginary schemes of disloyalty, which they were believed to have devised and promoted, and which had given the appearance, if not the reality, of justice to the severe laws enacted against them, were thrown into comparative oblivion by a discovery of their great mystery of iniquity, the gunpowder treason†.

* Jardine's Criminal Trials, ii. 7—9; published in the Library of Entertaining Knowledge.

† The principal authority, as to the facts of this conspiracy, for a long time was

This atrocious project embraced an attempt to destroy the king and the two houses of parliament, by an explosion from a vault ^{The gunpow-} beneath, at the moment of their assembling. It originated ^{der conspiracy} with Robert Catesby, a gentleman of some rank and for- ^{—Catesby.} tune, residing on an estate at Ashby St. Legers, in Northamptonshire, which had descended to him with his name from Catesby, the well-known favourite of Richard III. His father, Sir William Catesby, had been a frequent sufferer on account of his religion, but the son failed to discover any strong attachment to the creed of his ancestors until his youth had been spent in frivolity and dissipation. In the year 1588 the known zeal of Sir William Catesby in the cause of the Catholic faith led to his imprisonment, with others, as a measure of precaution during the alarm existing when the Spanish Armada threatened our shores. Ten years later we find Robert Catesby among those who were wounded and committed to prison as partizans of the earl of Essex—his stipulation in that enterprise, in common with some of his brethren who were parties to it, being liberty of conscience to the English Catholics. To Catesby one of the consequences of that ill-fated insurrection was a fine of 3000*l*. Subsequently, his ruling passion, which was to promote the interests of his hereditary faith, led him to connect himself with the Jesuit party in this country, and his zeal and talent contributed to those intrigues with Spain, the great object of which was to transfer the sceptre of Elizabeth to the hands of a Catholic.

But now these intrigues had all failed, James had possession of the throne, and the toleration, or more lenient treatment which had been anticipated was far from being realised. The past was disappointment, and the question remained, how to be avenged, and to speed better in the future.

The papal court and the Catholic princes had proved broken reeds, and from their present professions with regard to the English monarch no direct assistance was to be expected from them. At the same time the English Catholics were not only a constantly decreasing minority, but one so long weakened by division that any attempt in the form of open insurrection would be assuredly ruinous. It was in this exigency

the ‘Discourse of the manner of the discovery of the Gunpowder Plot.’ Dr. Lingard has supplied some important corrections and additions to the statements contained in this ‘Discourse,’ from two manuscript narratives by the Jesuit missionaries, Gerard and Greenaway, who were the familiar acquaintance of the conspirators, and regarded by the government as privy to the plot. But by far the most ample and satisfactory account of this occurrence is in the second volume of the Criminal Trials, published by the Society for the Diffusion of Useful Knowledge, and referred to in the preceding page. Mr. Jardine has there shown that the ‘Discourse,’ put forth by the government, is “a narrative of no historical authority,” but one framed by means of suppressions, and by interlineating and altering the original documents, “for the express purpose of leading the public mind in a particular direction.” pp. 3—7. There were men at the time who were not ignorant of these frauds. Osborne, 437. The account in the text is the result of attention to all these sources of information. And see also Winwood, ii, 170—173.

that the inhuman purpose of destroying the monarch and the whole legislature by means of gunpowder was entertained. Its revolting turpitude was overlooked in its many recommendations; it required comparatively small means, and could be effected with the fairest prospect of security to the agents, while it promised to annihilate their enemies as with a single blow.

Thomas Winter, a soldier of fortune, and an old agent of the Spanish faction among his countrymen, was the first to whom The plot disclosed to Winter. March. Catesby made known his meditated deed. Winter is said to have been shocked at the mention of a scheme so atrocious; but his humanity was at length subdued by the casuistry of his friend, who, to the proposed infliction on their enemies, contrasted an elaborate picture of the past and probable sufferings of his brethren. Winter was the intimate friend of Guy Fawkes, who had served with him as a soldier in the recent wars, and had been his companion in his practices with the court of Madrid: to him the secret was in part disclosed, and much was expected from his known character and experience. April 22.

While Winter employed himself in a fruitless attempt to prevail with the Spanish ambassador to insist on certain terms in behalf —And to Fawkes, Percy, of the English Catholics, and in securing the assistance of and Wright. Fawkes,—Catesby had ventured to mention his object to Thomas Percy, a distant relation of the earl of Northumberland, who then held the office of steward to that nobleman; and also to John Wright, an expert swordsman, who had shared in the insurrection under the earl of Essex, and whose disposition to such enterprises was well known. Percy, who had likewise been a party to that insurrection, became from that time a friend to the claims of the king of Scotland, and, as the agent of Northumberland, and of the English Catholics generally, had visited Edinburgh with the view of inducing the monarch to hold out “good hopes” to that class of his future subjects. The promises of the king were deemed satisfactory, and were duly reported by Percy on his return. But from the different course pursued by the court, and the monarch’s positive denial of the intimations attributed to him, Percy found himself exposed to the taunts and suspicions of his brethren; and so bitter was his mortification and resentment, that before he was apprised of the more comprehensive vengeance devised by Catesby*, he had meditated nothing less than an assassination of the sovereign. This larger scheme of vengeance was now adopted by five persons, who pledged themselves anew to each other by privately receiving the sacrament from the hands of Gerard, a Jesuit missionary. May 1. Gerard, it is said, and with probable truth, was not yet informed as to the object of the conspirators. But he must have seen

* In the earl of Northumberland’s examination the following passage occurs on this point:—“When Percy came out of Scotland from the king (his lordship having

enough to assure him that some very doubtful service was about to be entered upon.

About three months later the English and Spanish ministers concluded their deliberations, and the terms of peace between their respected sovereigns were adjusted, but no mention occurred in them as to any removal of Catholic disabilities; a circumstance which contributed to render the feeling of the conspirators more intense and pitiless*. Three months passed from this time before a house for the purpose could be procured. The one then obtained was taken in the name of Percy, who spoke of it as a desirable residence, in consequence of his frequent attendance at court in the capacity of gentleman pensioner. At the end of the garden attached to it was another building, which joined the wall of the edifice allotted to destruction. In this building the day was given to the work of excavation: at night the material accumulated was taken out, and concealed under the mould of the garden. A fortnight had been thus occupied, when the expected meeting of parliament on the seventh of February, was postponed to so distant a day as the third of October.

The conspirators now suspended their labours, and separated, not to meet again until after Christmas, during which interval no communication was to be hazarded between them, either by letters or messengers. Further space was thus given for reflection; and it appears that at their

written to the king, where his advice was to give good hopes to the Catholics, that he might the more easily come without impediment to the crown), he said that the king's pleasure was, that his lordship should give the Catholics hopes that they should be well dealt withal, or to that effect."—State Paper Office, cited in Criminal Trials, ii. 18. But James went farther than this, for the letter to which the earl alluded on his examination, and which may be seen in Miss Aikin's James I., p. 253, contains the following passage:—"I will dare to say no more; but it were pity to lose so good a kingdom for not tolerating mass in a corner, if upon that it resteth." James, indeed, denied having so expressed himself; but his most solemn protestations on such a matter cannot have the slightest weight with those who know his character.

The fines and forfeitures of the Catholics in the last year of Elizabeth exceeded ten thousand pounds, in the first year of James they were reduced to three hundred, in the second to a less sum, but in the third, or the year of the conspiracy, they suddenly rose to six thousand. Criminal Trials, ii. 19, 20. The account which James gave of this matter is as follows: "He never had any intention of granting a toleration to the Catholics; that if he thought his son would condescend to any such course, he would wish the kingdom translated to his daughter; that the mitigation of the payments of the recusant Catholics was in consideration that not any one of them had lifted up his hand against him at his coming in, and so he gave them a year of probation to conform themselves, which seeing it had not wrought that effect, he had fortified all the laws that were against them, and made them stronger (saving from blood, from which he had a natural aversion), and commanded that they should be put into execution to the uttermost." Winwood, ii. 49. But what reason had the king to expect that the mere remittance of fines would make the Catholics conformists, that is, make them renounce their religion? It was just in connexion with the king's open declaration of these sentiments that the gunpowder conspiracy was formed—in the spring and summer of 1604.

* Rymer, xvi. 585, 617.

next meeting Catesby found his colleagues in some doubt as to the lawfulness of his much-cherished undertaking. The heretical and more intolerant portion of the parliament might deserve the fate with which they were threatened, but could it be allowable for *their* sakes to destroy the good Catholics in that assembly, or the men who, if Protestants, were slow in the work of persecution compared with their colleagues? Catesby reasoned against the impression indicated by such questions, but lost no time in looking for the aid of authority, aware that much more was to be expected from that source, in such a case, than from argument. Garnet, the provincial of the Jesuits, was frequently at his table; and the almost baffled conspirator availed himself of an opportunity to put the following question to his guest: "Whether it were lawful, in a just and good cause, to adopt measures, which, though framed only for the guilty, would sometimes include the innocent?" Garnet at once declared such case to be lawful, and Catesby so employed this judgment as to remove the hesitation of his companions.

When their labours were resumed, they were joined by Christopher Wright and Robert Winter, brothers to the persons of the same names already mentioned. But the breaking in of water now destroyed all hope of effecting a passage below the foundation of the building. Nothing remained but to make a way through a wall nine feet in thickness. Even this was nearly accomplished, when sounds were heard as from an apartment immediately over them. These, upon inquiry, were found to proceed from a cellar under the House of Lords, which in a few days would be empty, and to let. Fawkes, under the name of Johnson, and giving himself out as the servant of Percy, obtained it for his master, and there the gunpowder was at once deposited, the hogsheads and barrels containing it being concealed by articles of furniture and a quantity of firewood loosely thrown to prevent suspicion.

1605.
March 25.

Six months had still to pass before the meeting of parliament, and through this interval the penal laws were enforced with much severity. This was matter of gratification to Catesby and his companions, who looked on the feeling which such proceedings tended to produce as the best promise that their brethren would not be slow to join them when the crisis should arrive. It was during this interval that the name of Bates, the tried servant of Catesby, of Keys, his familiar friend, and of Grant of Norbrook, and Rockwood of Stanningfield, were added to the rest, all of whom had services which they could render. At the same time Fawkes returned to the continent to procure military stores, and to intrigue with the English officers in the army of the Archduke, intimating the probability of their being soon called upon to serve their country by their swords, and urging their prompt compliance when the call should be addressed to them. These dark sayings were rumoured

about, and Cecil received warning both from Flanders and France that some evil was gathering, but what it imported, or who were the actors, could not be ascertained.

As September approached the several parties began to assemble. Their first conference led to some surprise and apprehension that parliament should have been again prorogued from the third of October to the fifth of November. It was almost suspected that these successive postponements had resulted from some dangerous intelligence obtained by the government. The ceremony of proroguing the parliament required the presence of certain lords commissioners in the upper house, and Winter accepted the office to observe the countenance and manner of those persons on the occasion. But as they performed their parts on the very spot under which the elements of destruction were accumulated without betraying the slightest sense of danger, it was concluded that general circumstances only had led to a delay which fear had attributed to another cause.

This last delay afforded further space for conference on the course to be adopted when the catastrophe became known, and led to the enlistment of Sir Everard Digby of Drystoke in Rutlandshire, and of Francis Tresham, both persons whose influence and property were deemed necessary to the adoption of those ultimate plans which the conspirators had learnt to expect with growing confidence. Digby was a young man of ability and courage, but so devoted to the Catholic faith, that his mind was completely governed by his spiritual guides. The reluctance which he at first expressed was gradually subdued by the representations of Catesby, and the new colleague promised to furnish 1500*l.*, and, as the day approached, would collect some of his Catholic friends in Warwickshire, under pretence of hunting with him. Francis Tresham was a notorious recusant, and his father, Sir Thomas Tresham, had suffered repeated fine and imprisonment during the reign of Elizabeth, for his adherence to the Catholic faith. Francis had been a party to the intrigues with Spain, and to the Essex insurrection, and he had published a Latin book in which he endeavoured to show that heretical princes, and such as tolerated heresy, might be lawfully dethroned. This man, whose recklessness of principle had always betrayed him into enterprises to which he was in other respects unequal, concurred without hesitation in the proposed work of destruction, and promised the sum of 2000*l.*

Time now demanded that the final arrangement of the conspirators should be made. Accordingly, a list of such members of both houses as it was deemed proper to save was agreed upon, all of whom were to receive messages a short space only before the hour of assembly, which should prevent their being present. Fawkes, having lighted the fatal train, was to escape by means of a vessel awaiting him in the Thames into Flanders, to put forth a mani-

Parliament
prorogued.

Sir Everard
Digby and
Francis
Tresham.

Ultior plans
of the con-
spirators.

fecto, calling upon the Catholic powers for support, and to return with all speed, bringing stores, and as many volunteers as possible from among his military acquaintance in that country. Percy, as known to the court, was to seize the person of prince Charles, and to bear him in a carriage to a place of meeting. Digby, Tresham, and others, were to do the same with the princess Elizabeth, then under the protection of lord Harrington. Catesby undertook to proclaim Charles as heir-apparent at Charing Cross; and during the minority of the sovereign some unnamed personage was to be called to the regency of the kingdom*.

The weakness manifest in these calculations is in singular contrast with the courage, the perseverance, and the secrecy which the conspirators had hitherto maintained. Instead of being able to accomplish these after schemes to which their attention was directed, their fate would have been to perish in an explosion of popular feeling hardly less sudden or resistless than that which had overwhelmed the victims of their fiendish cruelty. But the bigotry which rendered them so insensible to the murderous character of the deed they were about to perpetrate, blinded them to the obvious difficulty and ruin in which even their success must necessarily involve them.

As early as the month of July, Catesby had disclosed his whole purpose to Greenway, a Jesuit, and through him to Garnet his superior. Both professed to discountenance the undertaking, but neither made any adequate effort to prevent its accomplishment. It was at this juncture that Fawkes and Catesby, while in conference with

Oct. 11th-26th. Winter at a house near Enfield Chase, were joined unexpectedly by Tresham. His confused manner strengthened the suspicions concerning him which had for some time haunted the mind of Catesby; and his present object, which was to plead that his relative lord Mounteagle might be spared, and to urge that the execution of the plot should be deferred from the beginning to the end of the session, added to this misgiving. But all appearance of distrust was for the present suppressed, and the parties affected to concur with this new proposal.

Within a week of the end of October lord Mounteagle arranged to sup
 Letter to
 Mounteagle.
 Oct. 26. with his household at a house some distance from town. This was so much a departure from his lordship's custom, that it occasioned observation at the time. While at supper, a servant presented him with a letter, received from a tall man whose features were concealed by the darkness of the night. The letter proved to be without date or signature, and appeared to be written in a disguised hand. His lordship passed it to a gentleman near him to read it aloud. The following were its contents:—"My lord, out of the love I have to some of your friends, I have a care of your preservation; therefore I would advise you, as you tender your life, to devise some excuse

* Winter's Confession and Digby's Letter in the Gunpowder Treason, and Greenway's MS., p. 89, in Lingard.

to shift off your attendance at this parliament, for God and man have concurred to punish the wickedness of this time. And think not slightly of this advertisement, but retire into your own country, where you may expect the event in safety; for though there be no appearance of any stir, yet I say they shall receive a terrible blow this parliament, and yet they shall not see who hurts them. This counsel is not to be contemned, because it may do you good, and can do you no harm, for the danger is past as soon as you have burnt the letter; and I hope God will give you the grace to make good use of it, to whose holy protection I commend you*."

On the next day, the gentleman who had been requested to read the above document called upon Winter, for the purpose of apprising him of what had happened; he stated moreover that the letter was in the hands of Cecil, the secretary of state. The gentleman proceeded so far as to admonish the conspirator to lose no time in consulting his safety if at all a party to the supposed plot. Winter, after the first feeling of alarm, affected to look on the whole as a jest, but seized the earliest moment to communicate his fears to Catesby. Together they procured a second interview with Tresham on Enfield Chase, and would there have dispatched the suspected traitor, had he not disarmed them of their purpose by the explicitness and firmness with which he answered their searching questions. Fawkes, ignorant of what had happened, was sent to examine the cellar, and reported that his secret marks all remained undisturbed. It was now confidently hoped that the obscurity of the letter to lord Mounteagle had baffled the ingenuity of the secretary, and that the "blow" might yet be struck. Fawkes, when apprised of what had happened, expressed his determination to visit the cellar daily until the fifth of November. On the first of that month the king and his council examined and re-examined the mysterious letter, but nothing further became known, except that Tresham, on being sought out by Winter, assured him that the mine was discovered.

* *Archæologia*, xii. 200. "It may be asked," says Dr. Lingard, "who was the writer of this letter? Instead of enumerating the different conjectures of others, we will relate what seems, from Greenway's manuscript, to have been the opinion of the conspirators themselves. They attributed it to Tresham, and suspected a secret understanding between him and lord Mounteagle, or at least the gentleman who was employed to read the letter at table. They were convinced that Tresham had no sooner given his consent than he repented of it, and sought to break up the plot without betraying his associates. His first expedient was to persuade them to retire to Flanders in the ship which he had hired in the river. He next wrote the letter, and took care to inform them on the following day that it had been carried to the secretary, in hope that the danger of discovery would induce them to make use of the opportunity of escape. In this he would have undoubtedly succeeded, had not his cunning been defeated by the superior cunning of Cecil, who allowed no search to be made in the cellar. From that moment Tresham avoided all participation in their councils; and when they fled, he remained in London and shewed himself openly. He was afterwards apprehended on the confession of some of the prisoners, and died in the Tower before the end of the month." Bishop Goodman, in his answer to Weldon's Court of King James, says "that Tresham sent the letter." *Somers' Tracts*, ii. 104.

Such of the conspirators as believed this declaration would have fled the kingdom at once, but others questioned Tresham's veracity, whom all had learnt by this time to regard as a man anxious to produce a failure of the plot though unwilling to betray his confederates. Percy himself, little sensible to danger, appealed to the hopes and fears of his companions, and succeeded in bringing the waverers to the side of perseverance.

The conspirators met together so late as the day preceding the expected opening of parliament. It was toward the evening of this day that the lord chamberlain, in pursuance of his office, passed through the different apartments of the parliament house, to see that the usual preparations were made for the session to commence on the morrow, and in company with lord Mounteagle, he entered the cellar, where Fawkes was exposed to the searching gaze of the chamberlain, but encountered it without dismay. His lordship glanced with seeming indifference round the place, and observing to the supposed servant of Percy that his master had provided a large supply of fuel, retired. Fawkes informed Percy of what had passed, and returned to his post, determined to light the train and involve himself and his assailants in a common ruin should danger approach.

At length the morning of the fifth of November arrived. It was about two o'clock when Fawkes, opening the door of the cellar, made his appearance in the street, and was instantly seized by Sir Thomas Knevet, a magistrate, who with a few chosen attendants was in waiting for him. Two hours only had elapsed when James and his council assembled, and every question was urged adapted to elicit from the prisoner disclosures with respect to his accomplices, but without effect. Nor was the torture resorted to in the Tower more successful, until the offender learnt that his companions had given evidence against themselves by appearing in arms.

These, on learning that Fawkes had been apprehended, fled to Sir Everard Digby, and his hunting party at Dunchurch. The guests of Sir Everard becoming aware generally of the circumstances which had brought so many strangers to his residence, soon began to disperse; and the fugitive conspirators, pursued from all points by enemies, took refuge with their attendants in Holbeach House in Worcestershire. Digby, Rockwood, Grant, Keys, Littleton, and the two Winters, were made prisoners; Catesby, Percy, and the Wrights, courted death from the weapons of their assailants, and died of their wounds. Tresham remained in London without concealment, but was implicated by the confessions of his brethren, and lodged in the Tower, where he died a few weeks after his commitment.

Two months were allowed to pass before the prisoners were brought to trial—a space employed by the government in attempting to ascertain the further ramifications of the plot. Digby and his associates, when

5th Nov.
Seizure of
Fawkes.

Flight of the
conspirators.

put on their trial, admitted the general charge preferred against them, but denied that the conspiracy had originated with the Jesuits, as was affirmed by their accusers, or that it had been at all sanctioned by them. They also attempted to vindicate their own conduct by referring to the sufferings of themselves and their brethren; to the king's forgetfulness of the promises which he had made on their behalf; and to the great improbability of their obtaining any release from the intolerance that oppressed them, except by the means which they had resolved to employ. Such was their demeanor at the trial, and in the same state of mind they appeared on the scaffold, and met their fate as traitors.

Trial and
execution.

The Jesuits who were ascertained to have been in frequent intercourse with the conspirators, and who were with much reason suspected of having been parties to the treason, were the three whose names have already occurred—Gerard, Greenway, and Garnet. Of these, the two former escaped to the continent: Garnet, after a search of many days, was found secreted in a house at Henlip, in Worcestershire, the residence of the brother-in-law of lord Mounteagle. That both Greenway and Garnet knew of the conspiracy is unquestionable; and that they might and ought to have prevented its progress is as little open to reasonable dispute. Garnet himself at length confessed that he had been privy to the plot; but pleaded that he became possessed of the fatal secret under the seal of confession, which, according to the law of the Catholic church, did not allow of disclosure, even in such a case. It was, however, his further confession as to the lawfulness of equivocation which, as it served to take from his own affirmations and those of his disciples nearly all their value, contributed most to determine his sentence and its execution. Concerning "lawful equivocation," Garnet stated, "that the speech, by equivocation, being saved from a lie, the same speech may be without perjury confirmed by oath, or by any other usual way, though it were by receiving the sacrament, if just necessity so require." An historian, whose sympathy is never wanting when the Catholic priesthood are the sufferers, is constrained to remark on this passage, that "the man who maintained such opinions could not reasonably complain if the king refused credit to his asseverations of innocence, and permitted the law to take its course*." From Garnet we see that false views of religion may reconcile a connivance with treason and murder in their worst forms, with the highest pretensions to sanctity. It is ever the work of fanaticism to plead the supposed will of the Almighty as enjoining acts of inhumanity; but it is the province of true religion to inculcate the lessons of social justice as in perpetual harmony with the lessons of piety, as partaking of the same nature, and as enforced by the same sanctions. What is *morally* wrong can never be *religiously* right.

Case of the
Jesuit mis-
sionaries.

* Lingard, ix. 87.

The historian just adverted to remarks with respect to Garnet, that "his pious and constant demeanour excited the sympathy of the crowd; their vociferations checked the impatience of the executioner, and the cruel operation of quartering was deferred until he was fully dead." Yes, and he might have added that such was the nature of the superstition which these men laboured so much, and hazarded so much to propagate, that its votaries spoke of miracles wrought by the influence of this distinguished saint, contending that on the straw stained by his blood the impress of his celestial countenance could be traced*.

The meeting of parliament was deferred from the 5th of November to the 9th, when the king congratulated the two houses on the detection of the gunpowder conspiracy, as being little less than the prevention of a second deluge; and on their escape from a destruction, which, as inflicted by unconscious elements, was more to be dreaded than as proceeding from the worst passions of men, as from the rage of the most ferocious among brute creatures. The parties concerned in the great treason were described as meditating the accomplishment of their direful purpose without any real provocation; and the intelligence which had led to such a construction of lord Mounteagle's letter, as rendered it the clue to so dark a labyrinth, was noticed as approaching the miraculous†. But the danger being so happily passed, it would behove the great council of the nation to deliberate without passion on the course best to be adopted with regard to that religious body which not a few perhaps would be disposed to look upon as more or less implicated in this enormity. In any discussion on this subject it would be manifestly proper to avoid all reflection on the great Catholic powers, as though they were capable of regarding such a deed with any measure of approval. Nor should it be forgotten that there were more religious parties than one against which the charge of cruelty might be proved. The Puritan, who declared the Papist excluded from salvation, was so far the creature of intolerance, in

* Osborne, 436. The following anecdote will indicate how much the most determined of the conspirators were under the influence of superstitious impressions. "Greenway relates an incident which occurred while they were at work, and which perhaps is worth repeating as an instance of the gross superstition of the times, and also as evincing the workings of conscience on the minds of the conspirators as they proceeded with their design. They were one day surprised by the sound of the tolling of a bell, which seemed to proceed from the middle of the wall under the parliament house; all suspended their labour, and listened with alarm and uneasiness to the mysterious sound. Fawkes was sent for from his station above; the tolling still continued, and was distinctly heard by him as well as the others. Much wondering at this prodigy, they sprinkled the wall with holy water, when the sound instantly ceased. Upon this they resumed their labour, and after a short time the tolling commenced again, and again was silenced by the application of holy water. This process was repeated frequently for several days, till at length the unearthly sound was heard no more!" Criminal Trials, ii. 45.

† The courtiers gave the credit of this miracle to the king, though it no doubt belonged to Cecil.—Winwood, ii. 171.

his majesty's opinion, as to be "worthy of fire." In judging, therefore, of the connexion between the recent plot, and the great body of Catholics, care should be taken not to punish the whole for the delinquency of a part; and a distinction was to be observed between the character of a system, and certain extravagant speculations entertained by a few only among the many by whom that system might have been embraced.

In conclusion, the monarch would avail himself of the opportunity before him to deliver his sentiments on the design of parliaments. On this subject he had not spoken sufficiently in his former address. It is true the topic was always familiar to the mind of kings, and especially to one who had long swayed the sceptre of a state where a popular legislature, and constituted much as in England, had long existed. But the last three years had afforded the means of closer inspection, and the monarch was now fully apprised that the high court of parliament in his new dominions consisted of the lords temporal and spiritual, and of gentlemen and burgesses representing the shires and towns of the kingdom; that these existed as the king's great council, assembled by him for the purpose of enacting new laws, or of interpreting or abrogating the old. From such assemblies all private resentment was to be excluded; nor were they the place for the exhibition of a vain eloquence, or for the indulgence of a censorious wit. It was the grave national assembly, where laws might be instituted, either at the suggestion of the monarch, or in independence of him, but was far from being the place where every rash novelist might obtrude his crude conceptions at pleasure. "Nay, rather could I wish," said the monarch, "that those busy heads should remember that law of the Lacedemonians, that whosoever came to propose a new law to the people, behoved publicly to present himself with a rope about his neck, that in case the law were not allowed, he should be hanged therewith*."

Widely different were the impressions made by this speech. The court saw in it the proofs of extraordinary wisdom, and a moderation, which, under such circumstances, rose to magnanimity. The Puritans, on the other hand, were not able to conceal their astonishment and displeasure, on being told, and at such a moment, that their religion was in a nearer alliance with cruelty than that of the Papist. They needed no further evidence to disclose to them the alarming fact, that the king himself was much more a Papist than a Protestant.

This conclusion was not at all weakened when it became known that even at this time James was meditating a union between the heir apparent to the crown of England and the infanta of Spain. The treaty at length adjusted on this matter, promised, with the wife of prince Henry, the annual pension of a million of ducats, and a considerable portion of Flanders. It also flattered the vanity of the English monarch

* Parl. Hist. i. 1653—1662.

by devolving on him the office of arbitrator with respect to such theological grounds of dissension as should arise among the nations of Europe. In return it was stipulated that the king should aid his Catholic majesty in his efforts to subdue the protestant states of Holland. Such were the conditions of the Spanish match—so prominent a topic in the history of this reign. It was the error of James to suppose that the union of his son with any princess in the families of the lesser potentates of Europe would be an event detracting necessarily from the dignity of his crown. Hence, notwithstanding the exceedingly unpopular character of the proposed alliance with Spain, and the constant artifice of the Spanish court, James continued to cherish the hope of seeing such a union between the two crowns;—and it is to the fondness with which this hope was already indulged that we must look for the main cause of the solicitude evinced by the king to restrain the threatened outbreak of protestant feeling at this juncture.

But however strong or various the feeling with which the king's speech was listened to, it happened that time was allowed for Parliament prorogued. the strongest feelings to become tempered by reflection before any public opportunity was afforded for giving expression to them. James announced, as soon as he had delivered his speech, the prorogation of parliament to the 21st of January.

The first object of the two houses on their being re-assembled was to enact that the 5th of November should be observed for ever as a day of public thanksgiving. This act was introductory to a revision of the penal laws against the professors of the Catholic faith; and while some additions were made to the existing statutes, means were adopted with a view to secure a better enforcement of the whole. On this amended code a Catholic historian remarks, that "It repealed none of the laws then in force, but added to their severity by two new bills, containing more than seventy articles, inflicting penalties on the Catholics in all their several capacities of masters, servants, husbands, parents, children, heirs, executors, patrons, barristers, and physicians. First—Catholic recusants were forbidden under particular penalties to appear at court, to dwell within the boundaries, or ten miles of the boundaries of the City of London; or to remove on any occasion more than five miles from their homes, without a special license under the signatures of four neighbouring magistrates. Second—They were made incapable of practising in surgery or physic, or in the common or civil law; of acting as judges, clerks, or officers in any court or corporation; of presenting to the livings, schools, or hospitals in their gift; or of performing the offices of administrators, executors, or guardians. Third—Unless they were married by a Protestant minister, each party was made to forfeit every benefit to which he or she might otherwise be entitled from the property of the other; unless their children were bap-

A.D. 1606,
Jan. 21.

The penal laws
against Catho-
lics made more
severe.

tized by a Protestant minister within a month after the birth, each omission subjected them to a fine of 100*l.*; and if after death they were not buried in a Protestant cemetery, their executors were liable to pay for each corpse the sum of 20*l.* Fourth—Every child sent for education beyond the sea was from that moment debarred from taking any benefit by devise, descent, or gift, until he should return and conform to the Established Church; all such benefit being assigned by law to the Protestant next of kin. Fifth—Every recusant was placed in the same situation as if he had been excommunicated by name: his house might be searched, his books and furniture, having or thought to have any relation to his worship or religion, might be burnt, and his horses and arms might be taken from him at any time by the order of neighbouring magistrates. Sixth—All the existing penalties for absence from church were continued, but with two improvements: 1. It was made optional in the king, whether he would take the fine of 20*l.* per lunar month, or in lieu of it all the personal and two-thirds of the real estate; and 2. Every householder, of whatever religion, receiving Catholic visitors, or keeping Catholic servants, was liable to pay for each individual 10*l.* per lunar month. Seventh—A new oath of allegiance was devised for the avowed purpose of drawing a distinction between those Catholics who denied, and those who admitted the temporal pretensions of the pontiffs. The former, who it was supposed would take the oath, were liable by law to no other penalties than those which have been enumerated: the latter were subject to perpetual imprisonment, and the forfeiture of their personal property, and of the rents of their lands during life; or if they were married women, to imprisonment in the common gaol, until they should repent of their obstinacy, and submit to take the oath*.”

Concerning these laws, it is to be observed that they must be viewed in connexion with all the circumstances to which they in great part owe their existence, before we attempt to judge of their expediency or justice. If not so regarded, they will lead us into conclusions with respect to the character of

The justice of these penal laws considered.

Englishmen in the seventeenth century much at variance with the truth. In practice, the new code existed more as a machinery to be applied when occasion should require, than as a body of enactments to be generally enforced; and to account for the number and severity of its provisions, we have not only to bear in mind the terror and resentment excited by the late conspiracy, but to recall the cruel intolerance of the English Catholics under Philip and Mary; and the endless intrigues to which they had resorted during the long reign of Elizabeth, evidently with a view to the return of such times†. Much also of the rigour which sometimes marked the administration of these statutes must be ascribed to the

* Lingard, ix. 94—97.

† James confessed to his parliament in 1614, that there were whole counties in which not more than two or three magistrates were to be found who could be induced to proceed against recusants.—*Parl. Hist.* i. 1150.

1610,
May 4. sensation produced about this time by the death of Henry IV. of France—that great monarch having been cut off by the hand of a fanatic of the Catholic communion.

We feel no hesitation in denying the abstract right of one class of religionists thus to control and repress another; nor can we doubt the mischievous tendency of any penal code which, generally dormant, can be occasionally called into action to serve a sinister purpose, as well as to meet a foreseen emergency. But such was the state of feeling and of parties in England at this period, that we feel as little difficulty in affirming that laws of a repressive character had been rendered not only expedient but necessary to the safety of the state, and that to the strong Protestant zeal of the men who framed these enactments the nation owes the entire fabric of its civil and religious freedom. Admitting the English Catholics at this time to have been much fewer than the Protestants, their connexion with the great powers of the continent, always ready to abet the schemes of the treasonable among them, must have continued to render their unrestrained machinations not a little formidable. The Spanish Armada was as little likely to be forgotten as the Gunpowder Treason. There can be no doubt that the men who most loudly demanded the suppression of Papists by means of statutes and penalties, were persuaded that this course was one made strictly necessary by the great law of self-preservation. Nor was this view of their circumstances so unreasonable as modern impressions may lead us to suppose.

It is matter, however, for the sincerest gratitude, that the great principles of social justice are now so far separated from the control of any religious creed, and the rights of conscience so far understood, as to make a policy, which was not without its apparent justice and necessity in the seventeenth century, altogether unsuited to our times. Dispassionate reflection on this momentous subject must suggest, that the social atmosphere *may* be charged to such a pitch of fanaticism, either civil or religious, as would render laws partaking strongly of the nature of intolerance both patriotic and humane; while, on the other hand, there may be such an absence of this element of mischief, as to make the slightest interference with the religious preference of our neighbour an act manifestly iniquitous. The former state of things was in no small degree that which existed in this country on the accession of the House of Stuart; the latter is that by which our own times are happily distinguished. The extent to which we allow our moral principles and natural sympathies to be perverted by our religious peculiarities, is the measure in which we are incapable of rightly using religious liberty, and in which our title to such liberty must be defective. The man must resolve to be just who will deserve to be free. He must give lucid proof that he is a friend to humanity, before he can safely be intrusted with a power that may be employed to its injury.

CHAPTER VI.

Necessities of the government—Connexion between granting supplies and redress of grievances—Parliament prorogued—Re-assembled—The king's speech—Question of the union with Scotland—Difficulties of that measure—Report of the commissioners—The project resisted by the Commons—Mixed motives of that assembly in this proceeding—Question of naturalization litigated—Conduct of James adverse to his arbitrary policy—His favouritism—Wealth lavished on such persons—Cecil, his character, and embarrassments—Parliament assembled—Proposed adjustment of the revenue—Disputes between the common lawyers and the civilians—Dr. Cowell—Extravagant maxims avowed by the king—Spirited conduct of the Commons—The question of imposts as argued by both parties—Feudal burdens—Dissolution of the king's first parliament—Death of Cecil—His condition as a successful courtier described.

BUT the object of the king in assembling his parliament was less to obtain its assistance in suppressing the Catholic faith, than to procure means of escape from pecuniary embarrassment—a species of difficulty from which James was never free, but which had now become such as to be no longer supportable. Nor did the Commons seem insensible to the necessities of the monarch ; and so acceptable was their conduct in this respect, that James could not forbear sending a message to the House for the purpose of expressing his gratification. But it soon became evident that if the Commons were disposed to exercise an unwonted liberality with regard to the money of the people, it was on the assumption that a similar temper would be evinced by the sovereign with regard to a redress of the popular grievances.

In the history of the grants of money to the crown by our parliaments conditions of this nature were of constant occurrence.

The king was accustomed to state his necessities, when the parliament dwelt on those matters by which the subject felt himself aggrieved, the promise to replenish the royal treasury being generally accompanied with a provision that the evils which had formed the topic of complaint should be lessened or removed. In this manner, much more than in any, or than in all others, were the liberties of Englishmen obtained and perpetuated—being more the price of the treasure, and of the political wisdom of our ancestors, than of their blood. From the favourable course which the deliberations of the lower house had taken, James began to flatter himself that no such condition would be attached to the present

Necessities of the government, Jan. 21.

Connexion between the granting of supplies and the redress of grievances.

grant—a conclusion equally agreeable to his love of ease, and his notions of regal independence; but the monarch was not long in discovering his mistake. The Commons were so far from seeking the favour of the king in heedlessness of popular grievances, that the numerous evils of this nature now complained of led James to say the malcontents must have sent an O yes! (a crier) through the land in search of them. Among the matters stated as demanding immediate attention, particular mention is made of the evils of purveyance, of the conduct of the ruling clergy in silencing so many godly ministers, and of various abuses in the courts of law, both civil and ecclesiastical.

But the bishops and temporal peers vied with each other in aid of the prerogative; and so much to the satisfaction of the monarch, that a royal message announced the pleasure with which the sovereign witnessed those expressions of their loyalty and affection. A sum which, added to that voted by the clergy in Convocation, reached the unusual amount of 450,000*l.*, was obtained by the government without any remedy being secured for those numerous grievances to which the more patriotic numbers had called its attention. It should be added that this vote, which much artifice and some faithless promises were employed to procure, was determined by a majority of seven only in a house of two hundred and thirty-four; and that large as the sum was, it fell 50,000*l.* short of what were said to be the existing debts of the crown,—debts described as resulting in great part from deficiencies at the decease of Elizabeth, and from the expenses attending the journey of the king and the royal family to England. Another circumstance, which contributed not a little to this success of the court party, was the delight experienced by the house on learning the falsehood of a report affirming his majesty to have been assassinated at some distance from London. So general was the apprehension excited, and the joy to which it gave place, that “as the king approached the metropolis on the same day, the whole court went to meet him. The parliament sent Sir Maurice Berkeley, with four knights more, to welcome him. The speaker, with his mace, went beyond the Park corner to bring him in; and the Lord Mayor and his brethren went to him after supper, to congratulate his safety. To all which he made several harangues, as likewise to the people’s acclamations the next day as he went to the sermon; telling them that he took these demonstrations more kindly than if they had won a battle for him. That a better king they might have, but a more loving and careful one for their good they could not. That these signs were the more welcome to him, for that foreign ambassadors might see the vanity of those reports that were spread abroad in other countries of dislike and distaste between him and his people*.”

James having succeeded in the great object for which he ever con-

* Parl. Hist. i. 1063—1071; Winwood, ii. 204.

vened such assemblies—a supply of money—prorogued the parliament, and, which was rarely to be heard from a Stuart sovereign on such occasions, in terms of commendation.

Parliament
prorogued.
May 27.

But the parliament prorogued in May was assembled again in the following November, when the king betrayed his forebodings of a stormy session in a lengthened admonitory address. There was room to fear that the time had come when the various matters which the people had learnt to denominate grievances would be urged on the notice of the ministers of the crown in a manner not to be evaded. James commenced accordingly by praising “the moderation and discretion” which, in the end, had characterised the proceedings of the last session, but could not abstain from expressing his regret that some restless persons should have taken so much pains to bring together all possible matters of complaint. He had observed also that some of the questions broached on that occasion were more popular than profitable, either for that council or the commonwealth; and that there were some tribunes of the people whose mouths could not be stopped from matters respecting the Puritans and purveyance. As to the Puritans, they were the parents of every disorder in the church and the state—the great patrons of schism—and the king had ever esteemed schismatics and heretics as subject to the same curse. Such as were prepared to renew the late complaints on the subject of purveyance were informed that monarchs are accountable to God only; but that the dissolution of parliaments might bring with it the retributions of a sort of doomsday, the sovereign being then empowered to visit the sins of the members of parliament on the person of the ordinary subject. That all necessity for resorting to the exercise of his irresponsible supremacy in this respect might be prevented, James condescended to advise that should any of the plebeian tribunes presume to soar, like Icarus with his wings of wax, into regions above their proper element, the discretion of the house might be employed to check such sallies of impertinence, lest so honourable a body should be made to suffer for the petulant excesses of a few only among its members.

Re-assembled.
—The king's
speech.

This speech, it will be observed, embraced a twofold attack; first, on the character of the Puritans, and secondly, on the independence of parliament. The former was a species of misrepresentation in which the king had so often indulged, that it had lost both its novelty and effect. The latter was a threat more suited to the air of Turkey than to that of the English constitution, and pointed to a course of policy which afterwards did much more to loosen the foundations of the throne, than to extinguish freedom of debate among the representatives of the people.

Thus instructed and warned by the monarch, the commons addressed themselves to business; and at the command of the sovereign, the first question submitted to their consideration was the union with Scotland. James professed to cherish the most impartial solicitude for the interests

of his old and new subjects, and made no effort to conceal his anxiety that they might become in all respects the same people. This union accomplished, James persuaded himself that the stubborn kirk of the north might be assimilated to the more obsequious establishment he had found in the south ; the power of the crown with respect to ecclesiastical affairs, so ample in the one, being extended to the other ; while in the general laws of the two kingdoms, once submitted to revision in order to their nearer assimilation, many inconvenient provisions might possibly be modified so as to cause the whole to approach more nearly to the court standard. But these and similar designs, which, amid much good intention, furnished the king with his most powerful motives in pressing this question, exerted no such influence, or rather produced a directly opposite impression on the more enlightened and patriotic of his people.

The prejudices which had so long divided Scotland and England were of the most inveterate description, and had been in no small degree strengthened on both sides by the consciousness of each as to wrongs inflicted and sustained. If the invasion of Edward I. was a war of power against right, it must be remembered that during several centuries no state at war with England had found it difficult to enlist the sword of Scotland against her either at home or abroad. By these means, the northern counties of England were rendered insecure and comparatively desert through many generations. James, moreover, had been so lavish of his bounty towards his countrymen since his accession, that no man could place confidence in his professions of impartiality where such persons were concerned. It was well known also, that if the English were indisposed to confess themselves as no more than the equals of their neighbours, there was as little disposition in their neighbours to brook the slightest mark of inferiority.

The commissioners who had been appointed three years since to deliberate on this subject were now called upon for their report. Their recommendations were, that all hostile laws between the two kingdoms should be repealed ; that the border courts should be abolished ; that both nations should be subject to the same commercial regulations ; and that all persons naturalized in the one kingdom should be deemed naturalized in the other. These provisions were far from comprehending the whole of the scheme which frequently passed before the imagination of the sovereign as that which might be realized in connexion with this great question. But James was no sooner apprized of this report, than he assumed the new title of king of Great Britain, and scrupled not to quarter the arms of England with those of Scotland. This was nothing less than to usurp the whole power of the legislature ; for though the commissioners had received their appointment from parliament, their recommendation possessed not the slightest authority until sanctioned by parliament. This

one proceeding, during the existing feeling on the subject, was enough to have prejudiced the whole scheme irrecoverably.

When the matters recommended by the commissioners came under the notice of the commons, it was resolved that the hostile laws adverted to should be repealed, and that the border courts should be at once abolished; but the proposal to equalize the commercial advantages of the two countries, and the power of naturalization, were points to which many objections were taken. James addressed the house by letter and in person, in the hope of subduing an opposition which no doubt appeared to him unreasonable, and even factious. But the effect of his zeal was only to exasperate the dissentients, and to call forth reflections with respect to himself and his countrymen, which rendered it probable that the commons would rather appeal to the sword than submit to adopt the measure before them. One member remarked that Sicily, Naples, and Milan, though included in the dominions of his Catholic majesty, had no more power on that account to trade with Castile. Another speaker observed that the Romans were far from lavishing the privileges of their citizenship on all the colonies or cities belonging to their empire, that distinction being "communicable as a special favour, and only at the benevolence of the senate." Some, like Paul, might be born to this immunity; others, like Lysias, were "fain to obtain it for a great sum." An equalized trade with the French, said another senator, might be equitable, as from them wine and other commodities were obtained in lieu of our wool and cloth. But the Scots—what had they to offer? Their most valuable productions were eggs and barnacles, and it might be a few drugs to cure the jaundice. "Nature," said another of these dispassionate orators, "has taught every nation a particular ingenuity to provide for its own necessities, which, upon the access of another, must be either exceeded, and so undone, or go beyond the new comer and ruin him. Therefore, since we had no want of inhabitants of our own, such a beggarly addition must needs be destructive. The Scot, like the poor Swiss (yet better provided for and nearer the sun than he), finds a more commodious abiding under every climate than at home, which, as it makes the Swiss to venture their lives in the quarrel of any prince for money, so this northern people are known to do, or turn pedlars, being become so cunning through necessity, that they ruin all about them; as is manifest in Ireland, where they usually say,—None of any other country can prosper that comes to live within the kenning of a Scot." "It is not meet, therefore," added another of these opponents, "to take the children's bread and cast it to the dogs, nor to share the fruits of England with the sons of the locust and the daughters of the horse-leech." Nor was this the worst. The king had spoken of his residence in England as proceeding from his great affection for its inhabitants; and one member was bold enough to remark, that it would be no small advantage if his

majesty would adopt the same method of showing his affection for the Scots*.

We may believe that in the motives by which these enemies of equality between the two nations were influenced, there was quite as much selfishness as patriotism. Whatever may be thought of country gentlemen, the burgesses in that assembly were by no means uninterested parties on

Mixed motives of the Commons in this matter.

such a question; and there is enough of the merchant in their harangues to indicate where the leading point of this difficulty might be found. The privy council of Scotland was soon informed of these proceedings, and in a letter to the king complaining of the language in which their country had been traduced by the English house of commons, its members are careful to state that the union "so greatly hated" by the one party, was "little affected" by the other. James, before the meeting of parliament, had "endeavoured to suborn by large promises all the popular and principal speakers" in favour of this measure, "hoping," according to a quaint contemporary, that "the vowels being at his devotion," the consonants might be made to "comply with any voice, in what sense he was pleased to put upon them, or to lose themselves in insignificant clamours." The individuals, however, whose voices were to be thus obtained proved few and inefficient; and James, seeing little

prospect of success, consented to withdraw his favourite project from the consideration of parliament in both kingdoms†.

Failure of the project.

But though the question of commercial privileges was one to be approached only through the medium of parliament, the naturalizing of the subjects of one kingdom in the other was presumed to be within the power of the king, by means of a decision to that effect in the courts of law. The earl of Dunbar accordingly applied himself to the great law authorities, and, after some difficulty, ten out of eleven judges were induced to declare that all persons born as subjects to the crown of England were naturalized by that circumstance in all places to which the dominion of the said crown extended. By this decision, all persons born in England or Scotland since the king's accession to the English throne were declared to be thereby naturalized in both kingdoms, and all difference in this respect was doomed to be extinct in the lapse of a single generation. The commons, however, were not satisfied with this method of adjusting so important a matter, and it was brought into the courts of Chancery and King's Bench, from which, being adjourned into the Exchequer chamber, it was solemnly argued by the greatest lawyers of the day, and decided

Question of naturalization litigated.

* Sir Christopher Pigott was sent to the Tower for indulging in some free expressions in the above debate. Journals, 333—335. Osborne, 465—468.

† Parl. Hist., i. 1075—1119. Dalrymple's Memorials, i. 7. Mémoires de la Boderie, ii. 223.

by all the judges*. As might have been expected, the result was to the same effect. In this manner the question of naturalization was determined, though the ablest lawyers continued from time to time to dispute its legality†.

But this partial success afforded small satisfaction to the king. The passions of all who had approached this subject had been much excited; and to this cause we must attribute the abrupt prorogation of parliament before any attempt had been made to ascertain the feeling of the lower house on the matter of a supply. James greatly needed such assistance, but seems to have resolved on trying almost any expedient rather than submit to the delays and freedoms which had been found attendant on his applications to parliament. Elizabeth had felt a similar repugnance to any thing like a dependence on the pleasure of the commons, but she exercised her wise forethought to render such dependence unnecessary. It was with this view that she restricted her expenditure, both in peace and war, to the smallest possible amount, and that she was careful to avoid any war that might prove unpopular, and thus, it may be, create public burdens without supplying the disposition to bear them. But it was the manner of James to encircle himself with the difficulties of war, though placed amid all the advantages of peace; his almost incredible thoughtlessness as to the value of money creating that necessity of urgent appeals to parliament which had resulted in the case of many among his predecessors from the wars in which it was their pleasure to be engaged. As things had stood in England for many centuries, the great secret of power in the sovereign was to avoid all unnecessary demands on the property of the subject. To bring the representatives of the people together in national conference was to add to their intelligence, to their sense of justice, to their feeling of importance, and, as a necessary consequence, to their efficiency in the cause of popular freedom. James was no lover of such conferences, and was not altogether ignorant that the effect now mentioned generally resulted from them; but his habits were too much confirmed to be resisted, and constantly placed him in the unwelcome state of an applicant to such assemblies.

Conduct of James particularly adverse to an indulgence of his arbitrary temper.

The little harmony of feeling between James and public bodies of men, both in Scotland and England, served to strengthen that disposition to favouritism which was observable in him through life. It was a relief to turn from the checks presented by such bodies to the individuals with whom his will was, or seemed to be, the only law. Released from his minority by the weakness or policy of others at the early age of twelve years, James made an immediate choice of Esme Stuart, afterwards duke of Lenox, and of Captain James Stuart, afterwards earl of Arran, as his most intimate

His inclination to favouritism.

* Lord Coke's Reports, iv. 1. † Howell's State Trials, ii. 559—696. Osborne, 465.

friends and advisers. The former was a young nobleman distinguished by the handsomeness of his person and his courtly address; but while free from any gross blemish in his private conduct, he was by no means equal to the responsibilities which now devolved upon him; and was moreover suspected by the Scottish people of attachment to the Romish faith, and of being in correspondence with the house of Guise—the object of special abhorrence with the Protestant party. James Stuart was bold and profligate, possessing more talent than his colleague, and less native scruple in abusing it.

The first object of these parties, on acquiring the affections of the monarch, was to dispose of Morton, the late regent, who, after a mock trial, was slaughtered on a scaffold, under the pretence of being concerned in the fate of Darnley. The king and Scotland owed much to the wisdom and energy of that nobleman, and Elizabeth interceded earnestly for his life, but her solicitude only served to hasten his destruction. Having thus removed their great impediment, the favourites began to exercise the royal power in a manner well adapted to illustrate their cardinal maxims—which taught that kings were persons much too sacred to be bound by the vulgar restrictions of law. Their attempt to revive episcopacy, and their known leaning toward Rome, made the Scottish clergy, to a man, their enemies; while their general exorbitancy and injustice in civil affairs filled the land with disaffection. The king was virtually the prisoner of these minions, constantly passing his time at the country residence of the one or the other of them. It was to free their country from this odious servitude that the combination of the Scottish nobility called the *raid of Ruthven* was formed, which led to the seizure of the king's person, the exile of Lenox, and the imprisonment of Arran. About twelve months later, a general amnesty being passed in favour of all persons concerned in the seizure at Ruthven castle, the government was entrusted to Sir James Melville, and others of the same honourable character. James professed himself delighted with the improved aspect of affairs, but entreated that he might now be permitted to see Arran, if it were but for a single day. Unhappily, his importunity prevailed, and the result was an immediate restoration of Arran to his former ascendancy. The Lords whose conduct had led to his imprisonment were called upon, in contempt of the royal amnesty, to surrender themselves, and, failing to do so, were pronounced traitors.

A subsequent attempt of the confederate nobles to expel the favourite was not only a failure, but served to strengthen the court party, so that James found himself in circumstances to humble the pride of the clergy, who not content with often denouncing Lenox and Arran as “the Popish Lords,” who were endeavouring to bring the greatest possible evils on their country, had sometimes extended their censures to the conduct of the king as their infatuated patron. It was in these circumstances, be it remembered, that the pulpit reflections of the Scotch ministers partook

of that freedom which we have noticed elsewhere, and which is so often cited as a proof of their sectarian turbulence and insolence.

It was natural that Arran should become intoxicated with this tide of success, and equally natural that his ill-regulated confidence should lead to his ruin. His wife, who became his by means of a scandalous divorce, was permitted to make a sale of the justice of the country with scarcely the slightest disguise; and while her husband attached to himself the highest offices, the estates of the nobility were continually falling into his hands, under a variety of pretexts. That his enemies might be kept in subjection, he filled the land with spies and informers, and plots were sometimes feigned which brought the innocent to ruin. James could not be ignorant that such was the general character of his favourite's administration. These, however, were matters little considered, so he might "have quietness, and hunt and hawk in security," or be allowed to prosecute studies little more useful. But in this state of affairs the malcontent nobles again appeared in Scotland, a large army presently flocked to their standard, and Arran, stripped of his wealth and offices, and even of his title, owed his life to the contempt of his enemies.

It is to be observed, however, that these Scotch favourites did not lose their power until they had done irreparable injury to the character and reputation of the monarch. It was generally believed that their influence had taught the king to parley with the papacy in a manner unbecoming a sincere Protestant. From them he certainly learned much of his extravagant theory concerning the prerogative of kings, and much of that "craft" of ruling, which, opposed as it often was to every honourable sense of truth and justice, James could sometimes allude to as his most valued accomplishment. It was from Arran especially that the Scottish monarch derived the habit of profane swearing, which became so much a practice of his own, that it attended him to the end of his days, to the great scandal of the better class of his subjects.

The first indication of the king's disposition to favouritism in England appeared in his thoughtless liberality to Philip Herbert, brother to the Earl of Pembroke, and afterwards Earl of Montgomery. Of Herbert, Lord Clarendon relates, that "being a young man scarce of age at the entrance of the king, he had the good fortune, by the comeliness of his person, his skill and indefatigable industry in hunting, to be the first who drew the king's eyes to him with affection, which was quickly so far improved, that he had the reputation of a favourite: and before the end of the first or second year, he was made gentleman of the king's bed-chamber, and Earl of Montgomery, which did the king no harm; for besides that he received the king's bounty with more moderation than other men who succeeded him, he was generally known, and as generally esteemed—being the son of one Earl of Pembroke, and younger brother to another, who liberally supplied his expense, beyond what his annuity from his father would bear.

“He pretended to no other qualifications than to understand horses and dogs very well, which his master loved him for the better (being, at his first coming into England, very jealous of those who had the reputation of great parts), and to be believed honest and generous, which made him many friends, and left him no enemy*.” Osborne, who knew this person well, presents him in a less favourable light, but apparently with some prejudice. He remarks, however, with strict justice, that “the setting up of these golden calves cost England more than Elizabeth spent in all her wars†.” It is evident that the character of Herbert was of that feeble texture which rarely fails to be materially injured by unexpected elevation; and in later life, the violence of his temper, and the impurity of his manners, rendered him generally despised, leaving him but few of the many friends who were about him during the season of his prosperity.

James conferred both money and land on this transient favourite with great freedom, especially at the time of his marriage with Lady Susan Vere. A similar scene was exhibited on the marriage of Ramsay, afterwards Viscount Haddington, with Lady Elizabeth Ratcliff. The king paid the debts of the bridegroom, which were not less than 10,000*l.*, and conferred on himself and the bride a grant of lands to the value of 1600*l.* a year; nor was the royal bounty stayed until more than 30,000*l.* had been thus expended. His majesty’s presents at different times to the Earl of Dunbar exceeded 15,000*l.*; and on the Earl of Mar sums were bestowed which together exceeded that amount. These are noticed only as instances of the manner in which the king allowed himself to be impoverished from day to day; and this profusion was moderation compared with what ensued when Somerset and Buckingham obtained their successive ascendancy over him. At the same time the separate establishments of the sovereign, the queen, and the royal children, were on a scale of expense which could not but create perpetual embarrassment; especially as in the entertainments of his court, and in his treatment of ambassadors, James was particularly anxious that no expense should be spared which might serve to indicate his rank and opulence as being in no respect below those of the greatest potentate in Europe‡.

To extricate the sovereign from the perplexities which these causes served to produce devolved on Cecil. This minister possessed the helm of the state on the king’s accession; and partly as the result of his own far-sighted policy, but still more on account of his transcendent fitness for his great trust, he was confirmed in all his honours by the new monarch, and obtained the royal confidence to an extent that must have equalled his

Extravagant
gifts to royal
favourites.

Cecil—his
character and
difficulties.

* History of the Rebellion, i. 104, 105.

† Memoirs, 425.

‡ Birch’s Life of Prince Henry, 35. Archæologia, xii. 85. Winwood, ii. 43. 49. 217; iii. 117. Lodge’s Illustrations, iii. 182, 254. 336. Boderie, iii. 129. Abstract of his Majesty’s Revenue in ‘Truth brought to Light.’

largest expectations. Nothing could be more suited to the temper of James than the sobriety and caution which characterized the movements of his favourite minister. The ingenuity with which he concealed his more important projects until it was deemed safe to avow them, and the sagacity evinced by him in detecting and unravelling the intentions of others, whether relating to the intrigues of the court, the workings of conspiracy, or the designs of foreign cabinets, were the evidences of a superior capacity, which every day must have rendered more and more manifest*.

But the lord treasurer was soon to learn that the cares of government under the late queen were few and light compared with those which awaited him under his new sovereign. It was his lot to find the exchequer constantly drained in supplying the channels of expense already enumerated, until purveyors began to refuse furnishing the royal household with provisions, and the care-worn minister scarcely dared appear abroad in his carriage on account of the clamorous demands that were made upon him by the servants of the court whose salaries had been so long running in arrear. With the most elaborate economy on his own part, and the utmost exercise of his ingenuity, the treasurer had succeeded in reducing the king's debts to somewhat less than a third of their amount two years previously. But to accomplish this he had encouraged the exaction of loans of money from the more wealthy classes by means of privy seals; and besides demanding the payment of twenty shillings from every knight's fee in the kingdom, as the feudal acknowledgment on the knighting of the king's son, he had presumed to lay a tax without consent of parliament on most of the articles imported from foreign states, endeavouring to justify his conduct in this particular by pleading the spurious authority of the barons of the exchequer†.

These proceedings may have added to the convenience of the monarch, but they had not contributed to the popularity of his minister. And as the assistance derived from these sources was not such as to enable the treasurer longer to carry on the government, without returning to the less doubtful course of raising money through the medium of parliament, the best method in which to propitiate that body became a question of some anxiety with the king, and a difficulty of serious magnitude with Cecil.

During two years, parliament had been from time to time prorogued ;

* Boderie describes the king as governed for some years after his accession solely by the advice of Cecil. *Mémoires* ii. 356; iii. 225, 302. Beaumont and Villeroi, in their unpublished Despatches, speak frequently to the same effect. Raumer ii. 198, 201, 217, 220, 221. Beaumont remarks, in a despatch of July, 1604, "Cecil, through the power and adroitness of his mind, keeps to himself the rudder of the state, and might be able to sail in every direction, but his courage falls short of his capacity and his influence, *ibid.* 208.

† Boderie, ii. 16, 413, 427, 440; iii. 70, 72, 103, 189, 342, 421; iv. 379. Winwood, iii. 123, 155. Howell's *State Trials*, ii. 382, *et seq.*

and when assembled, James betrayed the reluctance with which he had assented, in the present instance, to its meeting, by abstaining, for the first time, from opening the session with a speech from the throne. At the commencement of the last session the king had warned the popular members that their want of a due regard to the royal pleasure in the business before them would probably be followed by some of those modes of punishment which were always at the command of the sovereign when refractory individuals ceased to appear in their parliamentary character. Accordingly, when that session had closed, several members who had not profited sufficiently by the royal admonition, were deprived of their office as justices of the peace. This petulant proceeding was not overlooked by the friends of the obnoxious parties; but the offenders, in prospect of the new session, were solicited by the court to accept their former trust.

With this attempt towards conciliation, others of more importance were connected. It is true the claim which the treasurer ventured to make was of alarming amount—it was for no less a sum than 600,000*l.* to meet the existing exigencies of the crown and for an annual grant of 200,000*l.* in addition to the present revenue, as the means of preventing a recurrence of those embarrassments which had so much impaired the efficiency of the government. But in return, the commons were invited to state their grievances freely, and were informed that the king was not more desirous of experiencing the liberality of the commons, than of proving himself the father of his people. James himself proceeded so far on this occasion as to profess himself anxious that such provisions might be made, that should future kings “have will to grieve the people, they might not have the power.” It may be true, as affirmed by a contemporary, that “James shared so largely in the folly of princes, that he never gratified the subject but upon urgent necessity, or by way of barter, which made the commons consider him at best but in the relation of a merchant, and themselves as countrymen brought up only to be cozened*.” But there is room to believe that his promises at this juncture were not without sincerity; and various matters which had frequently produced angry discussion between the crown and the representatives of the people were never in so fair a prospect of amicable adjustment†.

But the attention of the house was diverted for a short time from the business immediately before it, to a dispute involving those abstract principles of government from which so much of the difficulty now generally felt had arisen. Much dissension had long subsisted between two classes of lawyers in this country—the one distinguished by their attachment to the common

Disputes
between the
common
lawyers and
the civilians.

* Osborne, 406.

† Parl. Hist. i. 1121, *et seq.* Winwood, iii. 123, 124. Boderie, v. 187.

law, or the law of the land, the other by a preference to what was called the civil law, being the old law of the Roman Empire, especially as existing in the code of Justinian, which in the progress of European society had been variously incorporated with the jurisprudence of modern nations. Lawyers of the former class generally breathed the element of their favourite study, and were commonly known by their disposition to place the prerogative of the crown under the wholesome restriction of a popular legislature. Civilians, on the contrary, were remarkable for their leaning in an opposite direction, vesting the sovereigns of modern Europe with much of that despotic power which so many ages of corruption had served to place in the hands of the Roman emperors. What brought these parties most into collision in England was, the practice of the common law courts in issuing "prohibitions" of proceedings in the courts of their opponents. In this controversy, the ruling clergy took part with the civilians. The civil law had assumed its ultimate complexion in alliance with that form of ecclesiastical power which it was the solicitude of those persons to maintain; and as the friends of the English hierarchy founded their hopes much more on the will of the sovereign than on the affection of the people,—a system which depressed the power of the latter, and elevated that of the former, was viewed as eminently suited to the present exigency of affairs.

It happened that at this time Dr. Cowell, a learned civilian, published a work expository of the nature and claims of the civil law; in the course of which the writer professed to regard the king of England as free from any of the obligations said to be imposed by the laws of the realm; and as possessing the right, purely in virtue of his prerogative, to make, or unmake laws, and to exact money from his subjects without consent of parliament;—all the authority usually regarded as proper to such assemblies being matter of sufferance on the part of the crown. These base dogmas, it was well understood, had been put forth at the instigation of Bancroft, the Archbishop of Canterbury, and with the concurrence of the king. The commons, who would not probably have overlooked the conduct of this author under less suspicious circumstances, were now influenced by feelings both of alarm and resentment, and called on the upper house to assist them in suppressing doctrines so subversive of their long chartered immunities. Any hesitation on the part of the court to concur in a proceeding of this nature would have been fatal to that course of the public business which James was concerned to see realized during the present session. The king listened accordingly to the first remonstrance of the two houses, and assured them that so far was the obnoxious publication from expressing his sentiments, that he should consider the man his personal enemy who should venture to speak of it with approbation. The book was in consequence condemned by

A publication
by Dr. Cowell
censured by
the Commons.

proclamation. Its author was sentenced to imprisonment, but his confinement was of short duration*.

The next subject that came under consideration was the conduct of the government in taxing articles of merchandize at the ports without consent of parliament. As the commons approached this much-litigated question, James addressed them in language which taught them to doubt the sincerity of his late professions concerning the maxims inculcated by Dr. Cowell. His majesty did not scruple to assure them that, in many respects, kings are strictly the vicegerents and images of the supreme potentate. As such, they could raise up or bring down, award life or death, create or destroy; were the judges of all, and to be judged by none, and entitled to the services both of the bodies and souls of their people. Whatever might be said to the contrary, this was the abstract and proper dignity of a king. To deny this was not less than sedition, as to question the power of the Almighty was no less than blasphemy. It might be true that the laws of England did not recognize this power in the sovereign, and as king of England he should be observant of the laws; but while the house would be permitted to inquire as to the *fact* of any violation of law in the matter of imposts, the royal interdict was pronounced against any questioning of the proper *right* of the monarch to make such exactions at pleasure †.

The religious members of the lower house were shocked at the impiety, as it appeared to them, of the comparisons in which his majesty had chosen to indulge; and concurred with their colleagues in general in reprobating the political maxims to which they had listened, as being most alien from the spirit of those good laws which had descended to them from their fathers, and which they were resolved, come what might, to transmit unimpaired to their children. Heedless therefore of the prohibition so imperiously laid upon them, a committee was immediately appointed to ascertain the law of the case, and the practice of the government in past times; and

* Parl. Hist. i. 1122—1124. Coke's Detection, i. 59. The following passage is from a letter to the Earl of Shrewsbury, dated November, 1608, in Lodge's Illustrations. "On Sunday before the king's going to Newmarket, my Lord Coke, and all the judges of the common law were before his majesty, to answer some complaints of the civil lawyers for the general granting of prohibitions. I heard that my Lord Coke, amongst other offensive speech, should say to his majesty, that his highness was defended by his laws; at which saying, with other speech then used by the Lord Coke, his majesty was very much offended, and told him he spake foolishly, and said, that he was not defended by his laws, but by God; and so gave the Lord Coke, in other words, a very sharp reprehension," iii. 364. Wilson, *ubi supra*. Cowell's book was dedicated to Bancroft. Winwood, iii. 125, 129, 131. It should be added, as affording some further explanation of the predilection of James in this particular, that the maxims of the civil law are much more freely incorporated with the laws of Scotland than with those of England.

† King James's Works, 529—531.

not only the question whether the king *had* violated the law, but whether he had a *right* so to do, became the matter of warm and protracted discussions.

The advocates of the prerogative, among whom Sir Francis Bacon, the attorney-general, was most conspicuous, maintained that the levying of rates on exports and imports in the name of the king only had been common from the reign of Edward I. to the accession of Richard II., and that an instance of the kind had been submitted to under Mary, and adopted by Elizabeth. To this it was replied, that precedents belonging to reigns more than two centuries since, which had occurred under peculiar circumstances, and which even then were almost invariably followed by remonstrance and redress, were scarcely applicable to the present case; while the solitary instance adduced from the reign of Mary was of still more doubtful authority, since it consisted simply of a provision made to counteract a policy by which certain parties contrived to evade a tax which the law had imposed. To precedents thus remote and questionable the popular advocates opposed the well-known provision of Magna Charta, the often-cited statute *de tallagio non concedendo*, and twelve subsequent enactments in different parliaments to the same effect. In fact the only part of the argument in favour of the crown at all plausible, related to the mere increase of the old rates, on the ground that they had not varied as they should have done with the increased value of the articles. But even here it was natural to inquire whether to impose such payments, and to regulate them, should not belong to the same power? Upon the whole nothing could be more manifest than the defeat of the court on this vital question. A popular historian indeed remarks that in this struggle the commons laboured not so much to maintain the old constitution, as to establish a new one*. But their reasoning and their language make it evident that they were strangers to the remotest suspicion of being thus employed. Their general complaint was, that if the king's novel doctrine were unchecked, "they should not leave to their successors that freedom they received from their forefathers; nor make account of any thing they had, longer than they listed that governed†."

A further object with the commons was to obtain the removal of various feudal burdens, which, as sources of revenue or advantage to the crown, still pressed heavily, and sometimes very unjustly on the subject. The plan proposed was one of commutation. Some of the usages mentioned, James insisted were too valuable or sacred to be disturbed; but he consented that the custom of purveyance, and that the power of the king

The question
as argued by
both parties.

Proposed abolition of some
feudal burdens.

* Hume, *ubi supra*. A comparison of Hume's account of this session, with what is supplied by the authorities relating to it, will enable the reader to judge of the degree of confidence to be generally placed in that writer.

† Winwood, iii. 175. Parl. Hist. i. 1121, 1122, 1132, 1133. Howell's State Trials, ii. 407—519. Bacon's Works, ii. 223. Birch's Negotiations, 320. Boderie, v. 271—355.

with regard to wardships, the marriage of infants and widows, and some other matters deemed unnecessary and grievous, should be abolished. In lieu of this surrender, it was required that the sum of 300,000*l.* per annum should be settled on the crown. The commons halted at a third of that amount, but rose at length to two-thirds, when a difficulty in fixing on the source from which this sum should be derived brought the house to the end of the session, and the temporary aid of a subsidy, and a tenth and fifteenth was voted until opportunity should occur for resuming the subject*.

We possess only imperfect notices of what passed in the next session.

James dis-pleased, and the parliament dissolved, Oct. 16.

It appears, however, that affairs took a course so little agreeable to James, that after repeated menaces he first prorogued, and then dissolved the parliament. If it be true that the commons rose in their demands, it does not appear to have been wisely and reasonably done. The king sent for a deputation from the lower house on this occasion, and demanded of them in much anger whether they were not bound in duty as subjects to relieve the necessities of their sovereign. Sir Henry Neville replied, "Where your expenses grow by the commonwealth we are, otherwise not†:" an observation in which we may no doubt perceive something of the temper of the popular members generally, and which clearly points to those habits of extravagance on the part of the king which formed one of their leading topics of complaint. On the meeting of this session of parliament, says an old writer, "The members were willing to renew their allegiance to the king, out of piety; yet they were so strict, even in these youthful days, which he called obstinacy, that they would not obey him in his encroachments upon the public liberty, which he began then to practise. For being now seasoned with seven years' knowledge in his profession here, he thought he might set him up for himself, and not be still journeyman to the lavish tongues of men that pryed too narrowly into the secrets of his prerogative, which are mysteries too high for them, being *arcana imperii*, fitter to be admired than questioned. But the parliaments were apprehensive enough that these hidden mysteries made many dark steps into the people's liberties; and they were willing, by the light of law and reason, to discover what was the king's—what was theirs, which the king unwilling to have searched into, after five sessions in six years' time, dissolved the parliament by proclamation‡."

Dec. 31.

Thus ended a session from which so much had been expected. Such a result must have been vexatious to the king and the parliament, and something of blame attached probably to both parties; but on the mind and heart of Cecil it pressed with the weight of a dismal foreboding, as the frustration of plans on which all his hopes

* Parl. Hist. i. 1124, 1127, 1131, 1147. Winwood, iii. 124—129. The king was unsteady in his purpose on this subject, listening to "whisperings and dissuasions," *ibid.* 131. For some interesting details on this matter, see Winwood, iii. 145, 153, 155, 193, 201.

† *Ibid.*, iii. 235.

‡ Wilson's Court of James I.

had been founded. Before him was an exhausted treasury—debts accumulating in every quarter, and no means of assistance save those which were supposed to have been tried to the utmost. Some of the remaining crown lands were exposed to sale; and privy seals were sent forth with a trembling hand to solicit loans for the sovereign. But the anxious minister finished his course before the result could be ascertained. Cecil died at Marlborough, on his way from Bath, A.D. 1612.
May 24. whose waters had failed to reach his malady*.

It was at the commencement of the present reign that this statesman wrote the following characteristic and instructive letter to a brother courtier. “My noble knight, my thanks come with your papers, and wholesome statutes for your father’s household; I shall, as far as in me lieth, pattern the same, and give good heed for due observance thereof in my own state. Your father did much affect such prudence, nor doth his son less follow his fair sample of worth, learning, and honour. I shall not fail to keep your grace and favour quick and lively in the king’s breast, as far as good discretion guideth me, so as not to hazard my own reputation for humble sueing, rather than bold and forward entreaties. You know all my former steps, good knight; rest content, and give heed to one that hath sorrowed in the bright lustre of a court, and gone heavily over the best seeming fair ground. It is a great task to prove one’s honesty, and yet not spoil one’s fortune. You have tasted a little hereof in our blessed queen’s time, who was more than a man, and in truth sometimes less than a woman. I wish I waited now in her presence-chamber, with ease at my food and rest in my bed. I am pushed from the shore of comfort, and know not where the winds and waves of a court will bear me; I know it bringeth little comfort on earth; and he is, I reckon, no wise man that looketh this way to heaven. We have much stir about councils, and more about honours. Many knights were made at Theobalds during the king’s stay at my house, and more to be made in the city. My father had much wisdom in directing the state, and I wish I could bear my part so discreetly as he did. Farewell, good knight, but never come near London till I call you. Too much crowding doth not well for a cripple; and the king doth find scant room to sit himself, he hath so many *friends*, as they choose to be called, and heaven prove they lie not in the end. In trouble, hurrying, feigning, sueing, and such like matters, I now rest your true friend†.” If such was the unenviable state of Cecil’s mind in the comparatively easy circumstances of 1604, what must it have been amid the far greater difficulties

His condition
as a statesman
and courtier
described by
himself.

* Winwood, iii. 235, 239, 301, 309. “What is worst of all, he is melancholy and heavy spirited; so it is on all hands concluded, that his lordship must shortly leave this world, or at least disburden himself of a great part of his affairs.” Ibid. 332, 338.

† Harrington’s *Nugæ Antiquæ*, i. 344—346.

of 1612*? In that interval the minister had been the patron of every unpatriotic measure that had come under the notice of parliament; often, we may believe, "parting with his honesty to save his fortune," and was thus deserted by fortune at the last. Of all sorrowers, those who "sorrow in the bright lustre of a court, and go heavily over the best seeming fair ground," are the most pitiable, their lot being to reap envy rather than sympathy in their bitterest hours.

CHAPTER VII.

James's theological disputes—The oath of allegiance—Altercation with the States-General respecting Vorstius—Death of prince Henry—Marriage of the princess Elizabeth—Rise of Carr—His connexion with the countess of Essex—Perplexities of the government—The king's second parliament convened—Attempt of the "undertakers"—Speculative doctrines of James on the impolicy of religious persecution—Despotic maxims addressed to his second parliament—Debate respecting imposts resumed—Parliament dissolved—Opposition between the spirit of the court and of the nation—Tyrannical proceeding of the king—Rise of Villiers—Fall of Somerset—Arrest of that favourite, of the countess, and of their accomplices in the murder of Overbury—Trial and fate of those persons—Progress of Villiers.

MORE than three years passed before James ventured to assemble his second parliament. During this period, the attention of the king was chiefly occupied with a public dispute on the abstruse speculations connected with predestination and free will, and with the affairs of his family and his favourites.

Among the means adopted after the detection of the gunpowder conspiracy as a further protection against the Catholics, was a new oath of allegiance, which exacted of all such persons a renunciation of the pope's temporal power, on pain of perpetual imprisonment and of a confiscation of their entire property during their lives. Among the writers who attempted to expose the injustice of this new test were father Parsons and the great controversialist Bellarmine; and James, who was with difficulty prevailed upon to forego his amusements for the cares of empire, applied himself with the utmost ardour to the species of warfare which was thus

* "All consideration, and the burden of all employments, rests on the shoulders of Cecil; but his burden, and the jealousy which attends it, both increase to such a degree, that I in fact fear he will no longer be able to avoid sinking under it. A few days back some one said to him, he must find himself much relieved under this reign, in that he was no longer compelled to address his sovereign kneeling, as in the time of the deceased queen; he replied, however, Would to God that I yet spoke on my knees. Many wise persons are struck with this expression, as indicating either that Cecil does not trust his fortune, or that he fears some general calamity of the kingdom." Beaumont, Aug. 1608. Raumer, ii. 200, 201.

provoked. More than one papal brief described the oath as unlawful, and as containing things contrary to faith and salvation; and the majority of the English catholics, stimulated by theologians who wrote from the shelter of the Vatican, refused compliance with it. But the minority, with Blackwell the arch-priest at their head, made up in station and intelligence what they wanted in numbers. James sent copies of his elaborate "Apology for the Oath of Allegiance" to the monarchs of Europe. His Catholic majesty and the arch-duke manifested their estimate both of the king and the author by declining its acceptance*.

Undismayed by the very limited success of this attempt, the theological zeal of the English monarch constrained him to take part in the controversy carried on between the Arminians and Gomarists of Holland. Arminius, preacher in the great church of Amsterdam, and professor in the university of Leyden, presumed to dissent from the great body of his countrymen with respect to the leading doctrines of Calvinism. He maintained that the death of Christ had respect to all men, not to the elect only; that predestination, though founded on the merits of Christ, was connected with the virtue of perseverance; that the only subjects of reprobation were such as had been foreseen in the character of obstinate unbelievers; that the impressions of divine grace might be resisted; and that the subject of such impressions might be finally lost, being overcome by depravity†. These particulars are not opposed in all respects to modern Calvinism, but as avowed by Arminius they gave existence to a powerful party, which became known by the name of *remonstrants*, from the language in which they approached the civil power, deprecating the persecutions to which their new faith had exposed them. Their opponents gained the name of *contra-remonstrants*; and a little time served to show that each party was sufficiently willing to employ the sword of the magistrate against the other.

It rarely happens that men become marshalled into strong parties by

* Boderie in the fourth volume, and Winwood in the third, furnish almost continual allusions to this controversy. Collier, Eccles. Hist. ii. 692—696. James's Works, *passim*. "Many wish that King James would not write these books, but no one ventures to tell him so. Some believe he feels himself impelled by certain predictions, having become king of England, to destroy the power of the pope, and drive him out of Rome. The queen, who spoke of this to me, makes herself merry upon it, and asserts that divers of the council (especially Salisbury) urge him toward this, because they know that he will be involved thereby in interminable embarrassments, and must leave the government to them in the mean while. The main origin of it, however, is certainly his presumption, in that he believes himself to understand more of theology than all the doctors in the world; and if any other motive is mixed up with this, it is the desire to obtain more consideration among the Lutherans and Calvinists, and to play the part of mediator between them." Villeroi to Beaumont, May, 1609. In 1605 the pontiff had the confidence to write to the king, urging that, if not prepared to become a Catholic himself, he would at least allow his eldest son to be educated in that faith." Raumer, ii. 212.

† Acta Synod. Dordr. 126, 129.

religion, without their soon becoming instruments in the hands of politicians for the accomplishment of mere political purposes. Nothing is more natural than that rival statesmen should thus avail themselves of the passions of rival religionists, their professing themselves favourable or otherwise to the matters in immediate dispute being a cheap method of obtaining the assistance of so active a body of partizans. Such was the course of events in the history of the controversy between the Arminians and the Calvinists of Holland. Barnevelt placed himself at the head of the remonstrants, and his political rival, Maurice of Nassau, did the same with the contra-remonstrants. On the death of Arminius, his chair at Leyden was offered to Vorstius, a divine of acknowledged learning and capacity. The Calvinists impeached his orthodoxy, but that he so far vindicated before the States, as to be admitted to the vacant office. His success was regarded by the Arminians as a triumph; and it was at this juncture that the English monarch, who had not been unobservant of these proceedings, deemed it proper to interpose.

James, though he had learnt to wage a deadly war against the discipline inculcated by the Genevan reformer, was still the disciple of that powerful intellect on points of theology. In his view the tenets of Arminius were novelties opposed to the genuine doctrines of the reformed churches; and his majesty professed himself shocked to learn that the opinions of Vorstius were still more repugnant to the most acknowledged standards of the Protestant faith. These opinions the monarch described as opposed directly or by implication to some of the essential attributes of Deity, while they were accompanied by intimations which seemed to make the divinity of the Saviour a doubtful article of faith. The States were accordingly admonished that their encouragement of a professor who diffused such "pestilent heresies" was an enormity which, if not speedily corrected, must call for the interference of Protestant Christendom, that the power might not be wanting that should "remand such abominable doctrines" to the region whence they came.

The States would have spurned this meddling with their domestic affairs, but circumstances disposed them to try several expedients in the hope of calming the spirit of the royal theologian; and finding these without effect, they at length consented to a removal of the obnoxious professor, imposing on him the task of publicly refuting the infamous speculations laid to his charge. The credit of being the first state in Europe to abolish the barbarous custom of burning men on account of their religion belongs to the people of Holland; but James was humane enough to assure the judges of Vorstius that should he be suffered to escape that doom, on recanting his errors, it was by no means because such a penalty was greater than his offence had deserved. These discussions prepared

A. D. 1619.

the way for the famous Synod of Dort, but that assembly was not convened until the political power of the Arminians had been completely broken. It was followed by the execution of Barne-

velt, after trial by a court against the jurisdiction of which both he and Grotius protested; and several hundred Arminian families were driven into exile*.

While James was employed in directing the weapons of learning and authority against Vorstius, England was called to mourn the loss of the presumptive heir to the throne. Henry Prince of Wales was now in the seventeenth year of his age, and his excellent capacity, together with his manliness and courage, his patriotism, activity, and contempt of indulgence, had for some time endeared him to the people, who naturally dwelt in anticipation on the nobler position of their country under such a sovereign. His admirers of one class saw in him another Henry V., and pleased themselves with the prospect of what thoughtless men regard as national glory; while his known attachment to the reformed faith was to the more religious portion of the community the best pledge that his various abilities would be exercised in a manner conducive to the best interests of Christendom†. What added much to the charm of these features in his character was the direct contrast which they supplied to the dispositions of the reigning prince. An ambassador of the French monarch presenting himself to take leave of the prince, found him exercising himself with the pike, and on inquiring if the heir apparent had any commands for France, received as answer, "Tell your king in what occupation you left me‡." The brave and enterprising Raleigh, still suffering in the Tower, was a favourite of Prince Henry. "Sure, no king but my father," he once said, "would keep such a bird in a cage." The death of this prince appears to have resulted from fever, brought on by imprudent exercises, and allowed to take its fatal course by the timidity of attendants, who feared the imputations usually cast on "those physicians who meet with patients that do not recover after opening a vein." On the people, the effect of this unexpected bereavement was such, that their imagination was not to be diverted from suspicions of poison, especially as the carriage of the prince towards his father was known to have been sometimes so far incautious, and we may say improper, as to have converted the affection of his weak temper into a feeling of awe not unmixed with jealousy§. But while we acquit James of the atrocious act which

Death of
Prince Henry.

Nov. 6, 1612.

* The despatches in Winwood's third volume abound in references to this contest.

† Osborne, 264. The following lines, we are told, were common among the people:

Henry VIII. pulled down the abbeyes and cells,
But Henry IX. shall pull down bishops and bells.—*Nugæ Antiquæ*.

‡ Boderie.

§ Somers' Tracts, ii. 231—252. *Anlicus Coquinaris*, 239—251. "I hold the death of Prince Henry to have been natural." Spifame to Puysieuse, Dec. 1612. Raumer, ii. 222. "The queen endeavours hourly to corrupt the spirit and disposition of the Prince of Wales by flattering his little passions. She seeks, moreover, to excite his youthful soul in favour of Spain. She has also carried the point with the king of having the prince in future resident in her court, and said to me, with

the regrets and disaffection of many among his subjects imputed to him, the circulation of injurious rumours will hardly appear surprising, if we remember, with other circumstances, that Carr, the rising favourite with the monarch, was at this time in a state of enmity with the prince; that not more than three days after his death that favourite wrote to Paris, giving instructions that a negotiation in progress for the marriage of Prince Henry should proceed, only substituting the name of Charles; and that the king himself not only forbade persons approaching him in mourning, but gave orders that the preparations for the Christmas revelries should proceed without interruption*.

About this time a marriage was agreed upon between Elizabeth, the only daughter of the king, and Frederic, Count Palatine of the Rhine. The royal nuptials were celebrated with a pomp and expense unexampled in English history. But, as we shall soon learn, the history of this marriage was to be fraught with misfortune to Frederic, and to his beautiful bride, who had not passed the sixteenth year of her age. The king also was to find a source of continued vexation, and of diminished popularity, in the circumstances that attended this union†.

But the refuge, as we have before observed, to which the king had been always disposed to look in his difficulties, was the confidence of favourites; and at this time there was an individual in the court on whom James had for some time looked with this kind of fondness. "About the end of the year 1609, Robert Carr, a youth of twenty years of age, and of a good family in Scotland, arrived in London, after having passed some time in his travels. All his natural accomplishments consisted in good looks; all his acquired abilities in an easy air and graceful demeanour. He had letters of recommendation to his countryman Lord Hay, and that nobleman no sooner cast his eyes upon him, than he discovered talents sufficient to entitle him immediately to make a great figure in the government. Apprized of the king's passion for youth and beauty and exterior appearance, he studied how matters might be so managed that this new object should make the strongest impression upon him. Without mentioning him at court, he assigned him the office, at a match at tilting, of presenting to the king his buckler and device, and hoped that he would attract the attention of

as much impudence as imprudence, 'It is time that I should have possession of the prince, for the king drinks so much, and conducts himself so ill in every respect, that I expect an early and evil result.' I know that she grounds herself in this,—that, according to her expressions, the men of the house of Lenox have generally died, in consequence of excessive drinking, in their fortieth year, or become quite imbecile. The king growing daily more weak and contemptible, the consideration of the queen increases in proportion." Beaumont, Oct. 1604. Birch's Life of Prince Henry. Winwood, iii. 410. Wilson, 55. Osborne, 470—475.

* Birche's Prince Henry, 405.

† Winwood, iii. 403, 434, 435. Somers' Tracts, iii. 40. Abstract of his Majesty's Revenue 11, 14. Wilson, 690. Osborne, 479—485.

the monarch. Fortune proved favourable to his design, by an accident which bore at first a contrary aspect. When Carr was advancing to execute his office his unruly horse flung him, and broke his leg in the king's presence. James approached him with pity and concern: love and affection arose on the sight of his beauty and tender years, and the prince ordered him immediately to be lodged in the palace, and to be carefully attended. He himself, after the tilting, paid him a visit in his chamber, and frequently returned during his confinement. The ignorance and simplicity of the boy finished the conquest, begun by his exterior graces and accomplishments. Other princes have been fond of choosing their favourites from among the lower ranks of their subjects, and have reposed themselves on them with the more unreserved confidence and affection, because the object has been beholden to their bounty for every honour and acquisition. James was desirous that his favourite should also derive from him all his sense, experience, and knowledge. Highly conceited of his own wisdom, he pleased himself with the fancy that this raw youth, by his lessons and instructions, would in a little time be equal to his sagest ministers, and be initiated into all the profound mysteries of government, on which he set so high a value. And as this kind of creation was more perfectly his own work than any other, he seems to have indulged an unlimited fondness for his minion beyond even that which he bore to his own children. He soon knighted him, created him Viscount Rochester, gave him the garter, brought him into the privy council, and though, at first, without assigning him any particular office, bestowed on him the supreme direction of all his business and political concerns. Agreeable to this rapid advancement in confidence and honour were the riches heaped upon the needy favourite; and while Salisbury and all the wisest ministers could scarcely find expedients sufficient to keep in motion the over-burthened machine of government, James, with unsparing hand, loaded with treasures this insignificant and useless pageant*."

The writer who thus describes the early fortunes of Rochester has justly remarked, that history appears to fall from her dignity when necessitated to dwell on such frivolous events and ignoble personages. But the later occurrences in the career of this personage merit attention as connecting themselves not only with the character of the king, but with that of the court and the times. By adopting the advice of Sir Thomas Overbury, who was his counsellor from his first appearance at court, the young favourite was enabled to obtain a growing influence over the affections of the monarch without exposing himself to the aversion of the people. The older courtiers indeed looked on with envy, and resorted to intrigue; but, by exercising more modesty and discretion than is usual with such creatures of fortune, and especially by avoiding any partiality toward his countrymen, and performing kind offices for a

* Hume's Hist., vi. 46, 47.

large number of persons possessing means more or less of supporting his ascendancy, nothing appeared more secure than the splendid elevation of Viscount Rochester. His fall was the consequence of an illicit passion for Lady Frances Howard, daughter of the earl of Suffolk.

At the age of thirteen, this lady was married to the Earl of Essex, whose age exceeded her own by one year only. It was the wish of James by this means to unite two families which had suffered much in the cause of his mother, and the union accomplished, the parties separated until the age of puberty, the earl repairing to the university, the countess being entrusted to the care of her mother. But in this interval the countess and the favourite conceived a violent passion for each other, and secretly became as husband and wife in all things save the marriage ceremony. When the Earl of Essex returned, his bride received him with coldness, and at length with every manifestation of dislike. In the issue, it proved to have been the inexorable purpose of the countess, that the man whom the ceremony of marriage had made her husband should be such in no other sense. Her persuasion was, that so long as this was the case, her marriage with Essex must be defective, and might be made to give place to her union with Rochester.

No pains were spared to interest her lover in this course of policy, and her lover deemed it proper to consult Overbury as to the best means of carrying it into effect. But while that faithful friend had considered his patron's attachment to the Countess of Essex merely as an affair of gallantry, he had favoured its progress; and it was partly owing to the ingenious and passionate letters which he dictated, that Rochester had met with such success in his addresses. Like an experienced courtier, he thought that a conquest of this nature would throw a lustre on the young favourite, and would tend still further to endear him to James, who was charmed to hear of the amours of his court, and listened with attention to every affair of gallantry. But, on the mention of marriage, Overbury professed himself astonished at the folly of the favourite, and, in the true spirit of his vocation, he called upon him to despise the woman whom his own arts had enabled him to seduce, adding, that the baseness of her character must occasion his immediate ruin.

Rochester was weak enough to make known the substance of this conversation to the countess, whose spirit of vengeance began to thirst for nothing less than the life of the offender, nor was it found difficult to inflame her paramour with the same feelings. Her first device was to offer a thousand pounds to Sir John Wood to dispatch the object of her resentment under the show of a duel. But this scheme was frustrated by a proposal to obtain his appointment on a mock embassy to France or Russia—a virtual exile, which he should be secretly urged to refuse, and on refusing, he might be charged with contempt of the royal pleasure and committed to the Tower. This snare was successful. During six

months the prisoner was separated from all communication with his friends, and kept under the strict guardianship of a lieutenant newly appointed by Rochester for the purpose. At the close of that period, the wretched man died of poison, but not until several attempts to put him out of the way by that means had been ineffectual.

In the mean time proceedings were instituted to obtain a divorce between the Countess and the Earl of Essex, on the plea of the earl's physical incapacity for the duties of matrimony. Decency forbids that we should enter into the investigations which now occupied several months, and called forth all the authority and influence both of the king and his minion; suffice it to say, as the effect of much disorderly interference and menacing on the part of the monarch, and of Rochester, seven out of the twelve judges were induced to decide in favour of the divorce. Their decision was generally viewed as given purely to gratify the king. In prospect of the new marriage, James created Rochester Earl of Somerset. The ceremony took place in the royal chapel, in the presence of the king and a large company of nobles, with their wives and daughters, the queen appearing at the altar in white satin, and the bride with her hair in curls down to her waist—the virgin costume *

James had several reasons for becoming thus zealous in the cause of a divorce, where he had been the principal agent in bringing about the marriage; but what chiefly weighed with him was that the intended union would be acceptable to ^{Perplexities of the} Government. his ministers, the father and uncle of the countess: a circumstance which taught him to look on the marriage as likely to extinguish a rivalry which subsisted between these persons and the favourite. But the king always found that to manage the courts of law was less difficult than to manage the house of commons; the most unconstitutional decisions from the former being much more easily obtained than any adequate supply from the latter. Yet without a large supply from that source, it now seemed impossible that the machinery of government should be continued in action. While the question of the divorce was pending, Somerset had relieved the necessities of his sovereign by a personal present of 25,000*l*. But the king's wants soon became as pressing as before, and no course presented itself to the favourite, or to his father-in-law, the Earl of Suffolk, now lord treasurer, and the king's principal adviser, except the assembling of a parliament. Various expedients had been tried, but with only a partial measure of success. The

Most of the documents relating to the divorce of the countess, and an account of what followed are in 'Truth brought to Light.' Disgusting as are their disclosures in many particulars, they afford an instructive picture of the state of society in this reign, pp. 1—23. *et seq.* *Aulicus Coquinaris*, 261. *Reliq. Wotton*, 408—410. *Nugæ Antiquæ*, i. 390. *Winwood*, iii. 447, 453, 479. *Howell's State Trials*, ii. 785—862. *Wilson*, 693. An account, given by Raumer, from a contemporary Paris MS., agrees in substance with that of our own writers, ii. 222—233. This writer, indeed, states that the king gave the married couple effects worth a million of gold; that the countess wore a coronet valued at 400,000 dollars!

new title of baronet had been sold for the fee of 1000*l.* to as many as were disposed to become purchasers, until the number of names enrolled amounted to about two hundred. All the gradations of rank had their price in like manner affixed to them, as though the monarch had determined to employ the vanity of one portion of his subjects in the way of counterpoise to the parsimony or patriotism of another. The trade in monopolies also was renewed; but the hazard which now attached to such contracts did not allow of its becoming considerable. Two hundred thousand pounds were obtained on the credit of the privy seals issued a little before the death of Cecil, to be repaid from the next supplies voted by parliament, and about a fourth of that amount was secured as a benevolence.

The king's second parliament convened. It was to defer, and if possible to prevent the necessity of looking to parliament that James had applied himself to the different methods now enumerated for replenishing his treasury; and it was not without painful misgiving that he listened to those who were at length constrained to advise that a return should be made to the more regular course of obtaining the needed assistance by once more convening the great council of the nation. What prevailed most with the perplexed monarch was the assurance of Somerset and others that they would undertake to influence the elections through the kingdom, so that the house of commons in the king's second parliament should be much more compliant than the one which had preceded it.

Attempt of the "undertakers." But these persons, who, from their proffered services obtained the name of "undertakers," soon ascertained that their object had become generally known, and that their instances of success were few compared with those in which the suspicion excited by their interference had led to a result much adverse to their policy. In past ages the character of the members returned to the lower house was generally determined by the pleasure of the sheriff, who in nearly all cases would be a person readily secured to the service of the court. But other times had now come:—a spirit of independence was found to pervade the constituency of the country, so much so, that, in the face of the utmost influence on the part of the king and his ministers, a house of commons was returned even more uncourtly than was that which three years since had been dissolved as wholly unmanageable.

A. D. 1614, April 5. James had not to wait until the meeting of the two houses to ascertain that the undertaking of his ministers had proved a failure. On the meeting of parliament accordingly the king was careful to disclaim all connexion with proceedings so much beneath the dignity of a sovereign as the influencing of elections, and his speech throughout was characterized by a tone of conciliation which sufficiently bespoke his apprehension as to the probable

course of the new house of commons. His majesty assured the two houses that "his natural affections were like the redness of his heart, his integrity like the whiteness of his robe; his purity like the metal of gold on his crown; and his firmness and clearness like the precious stones he wore*;" and the truth of assurances thus fantastically expressed was affirmed in the usual manner by an appeal to the Almighty. Many grievances were now to be redressed with as little delay as possible; and the king would henceforth show himself "contrary to all tyrants, who love not advising with their subjects, but hate parliaments:" nor should it be the fault of the monarch if the history of the present parliament were not such as to entitle it to the name of the parliament of love.

The king also delivered some admirable sentiments on the impolicy of religious persecution; but sentiments not a little at variance with the conduct of the royal orator, and even with those portions of it that were manifestly the result of his own choice. "No state," says the monarch, "can evidence that any religion or heresy was ever extirpated by the sword, or by violence, nor have I ever judged it a way of planting the truth. An example of this I take where, when many rigorous counsels were propounded, Gamaliel stood up and advised, that 'if that religion were of God, it would prosper; if of man, it would finish of itself.' Besides, men are so prone to glory in defending and sealing their opinions with their blood, that the primitive church in one age declined into an affectation of martyrdom. And many heresies have had their martyrs, which have gone with the same alacrity, and desire, and assurance to the fire, as those who have witnessed for the truth have done †." But the monarch who could indulge in this style of enlightened disquisition is the same who on his way from Scotland proclaimed a gaol delivery in every town through which he passed, excepting such offenders as were charged with "murder or papistry;" and the same who not only told the Puritans he would make them conform, or harass them out of the land, but who was now acting in accordance with that threat to the full extent of his ability.

Speculations
of the king on
the impolicy of
religious per-
secution.

The great point of solicitude with the commons was the redress of grievances, and on this subject, though the promises of the king were large, his conduct was sufficiently ambiguous to occasion strong suspicion as to his sincerity. The members were admonished by the sovereign himself, that he would no more treat with them "like a merchant by way of exchange," and which was more, that it was the royal pleasure that they should make the voting a supply their first business, leaving all matters of grievance to a future session. The history of the last house of commons, and the character of the present, should have sufficed to prevent the slightest expectation that such a course would be followed, in whatever manner

Arbitrary lan-
guage of the
king's speech.

* Parl. Hist. i. 1150.

† Ibid. i. 1151, 1152.

enjoined ; and in fact it is to this interdict on the subject of grievances that the total failure of the court policy in relation to this parliament must be attributed.

The commons, instead of obeying the royal mandate, proposed a conference of the two houses on the matter of impositions ;—
 Debate on the question of impositions resumed. a measure known to be particularly unacceptable to the king, and which as such was successfully opposed by the prelates and courtiers in the upper house. It was on this occasion that Neile, bishop of Lincoln, declared the right of levying those imposts on the property of the subject to be a matter pertaining solely to the will of the sovereign, adding that no man could question this principle without assailing the only proper foundation of monarchy, and betraying a temper hardly distinguishable from sedition. The commons urged loud complaints against this slanderer of their loyalty, nor were the lords slow in bringing the offender to their bar, where he confessed his delinquency on his knees, and it is said with tears. Not content with thus far humbling their adversary, the lower house indulged in some strong censures on the servile conduct of the ruling clergy generally.

Even in the commons, more than one of the servants of the crown was bold enough to assert that taxes might be justly imposed by royal authority alone, and, in the absence of better precedents, appeals were made in support of this doctrine to the practice of France, Spain, Germany, and Italy. But to this abstract notion of monarchy it was replied, that the princes in those countries possessed the power of making laws, as well as that of levying contributions on property ; and the advocates of despotism were reminded, that by contending for one of these points without the other, they seemed to have acquired but half their lesson. As usual, on such questions, the opinion of the judges was sought, and contrary to the general conduct of that body, they had in this instance the courage to refuse the sort of decision which was virtually demanded by the court.

The king's debts at this time amounted to twelve hundred thousand pounds, two-thirds of which had accumulated since the dissolution of the last parliament. Weakness characterised every plan devised by the government, and it was consistent with this general imbecility to expect that a supply at all adequate to such a state of embarrassment would be voted on the bare promise that there should be some future adjustment of the great matters at issue between the crown and the people. Secretary Herbert spoke of these pecuniary difficulties as rendering the kingdom " a contempt and scorn in all other parts ;" and the chancellor offered the particulars of the royal debts to the private inspection of the members ; but the house occupied itself with no less than fifty bills on a variety of subjects, to the neglect of the great question of a supply. When two months had thus passed, James sent a

message threatening to dissolve the parliament, if his wishes were any longer slighted. The house immediately formed itself into a committee, and began to deliberate on the best means of meeting the claims of the government without sacrificing those of the people, when, on the following day, the king carried his threat into execution, and the parliament was dissolved by commission*.

Parliament
dissolved,
June 7.

All prospect of an agreement between the crown and the nation now seemed to be further removed than ever. The maxims of the court, and those which from becoming prevalent with the people were embodied in the character and conduct of their representatives, proved to be directly at issue, and both parties deemed themselves committed to a conflict, the result of which no man could readily predict.

Opposition
between the
spirit of the
court and the
nation.

A circumstance which promised to render this struggle still more desperate, was the conduct of James in subjecting several members, immediately after the dissolution, to imprisonment, on the pretence that they had used improper liberties of speech during the discussions in parliament. Had this been the fact, the correction of such improprieties belonged to the house itself, and not to the monarch. But the real delinquency of these persons was the popular character of their principles and conduct. Sir Edwin Sandys in opposing the slavish doctrines of the ministers of the crown, had not hesitated to declare "that all kings were originally elective, except such as came in by the sword: whom for that reason it was lawful to expel by the sword, whenever the people had the power to do it †."

Tyrannical
conduct of the
king, June 8.

In dealing with the embarrassments which now opened before him, James resigned himself to the influence of a new favourite.

Somerset, since his marriage, had declined much in those superficial qualities which had served to recommend him to his sovereign.

Rise of
Villiers.

The bloom and gaiety of youth gave place with rapidity to different appearances and manners, and the king beginning to feel a want of the amusement for which such objects were chosen by him, was left with his mind open to the new impression which about this time was made on it by George Villiers, son of Sir Edward Villiers of Leicestershire. This young man, who had not passed his one-and-twentieth year, was distinguished by his handsome person, and the taste of his clothes. His address also had been improved by recent travel, and a short stay at the court of Paris. Those who knew the king were aware that from his first interview with Villiers so much had been done, as to make it probable that the old favourite would soon prove an incumbrance rather than an object of affection. "Ashamed of his sudden attach-

* Journals, 471. Reliquæ Wottonianæ, 43.

† Parl. Hist. i. 1149—1167. Reliquæ Wottonianæ, 433.

ment, the king endeavoured, but in vain, to conceal the partiality which he felt for the handsome stranger ; and he employed all his profound politics to fix him in his service without seeming to desire it. He declared his resolution not to confer any office on him, unless entreated by the queen ; and he pretended, that it should only be in complaisance to her choice he would agree to admit him near his person. The queen was immediately applied to, but she, well knowing the extreme to which the king carried these attachments, refused at first to lend her countenance to this new passion. It was not till entreated by Abbot, Archbishop of Canterbury, a decent prelate, and one much prejudiced against Somerset, that she could condescend to oblige her husband by asking this favour of him. And the king thinking now that all appearances were fully saved, no longer constrained his affection, but immediately bestowed the office of cup-bearer on young Villiers*.”

Fall of Somerset. From this time the overthrow of Somerset became a leading object with a daily increasing party in the court ; and his part in the iniquitous treatment of Overbury, which had embittered his marriage, was to occasion his fall. James is said to have urged upon the younger favourite that he should profess himself willing to do good service to the elder ; but Somerset replied with the reckless asperity which had become common to him,—“ I will none of your service, and you shall none of my favour. I will, if I can, break your neck, and of that be confident†.” While Somerset pursued this haughty course, the old rumour with respect to the murder of Overbury became more loud and general, so much so, that James was led to question certain suspected parties on the subject, and the result was a strong persuasion as to the guilt both of the countess and the favourite. Arrangements were accordingly made for the arrest of both, and of various other persons as their accomplices.

Arrest of Somerset and the countess, Somerset was ignorant of these proceedings until the moment of his being apprehended. The following is a description of the last interview between James and this once pampered object of his affection. “ The king took his farewell for a time of London, and was accompanied with Somerset to Royston, where no sooner he brought him, but instantly took leave, little imagining what viper lay amongst the herbs ; nor must I forget to let you know how perfect the king was in the art of dissimulation, or to give it his own phrase—king-craft. The Earl of Somerset never parted from him with more seeming affection than at this time, when he knew Somerset should never see him more ; and had you seen that seeming affection (as the author himself did), you would rather have believed he was in his rising than setting. The earl, when he kissed his hand,

* Hume, Hist. vi. 54. We have selected this passage, and a preceding one on the rise of Somerset, from the pages of Hume, that the conduct of James in this respect may have the advantage of being described by his panegyrist.

the king hung about his neck slabbering his cheeks, saying, 'For God's sake, when shall I see thee again! On my soul, I shall neither eat nor sleep until you come again!' The earl told him, on Monday (this being on the Friday); 'For God's sake let me!' said the king: 'Shall I, shall I?' then lolled about his neck:—'Then, for God's sake, give thy lady this kiss for me!' in the same manner at the stayre's head, at the middle of the stayres, and at the stayre's foot. The earl was not in his coach when the king used these very words, in the hearing of four servants, of whom one was Somerset's great creature, and of the bed-chamber, who reported it instantly to the author of this history,—*I shall never see his face more.*" To this it must be added, that before the earl had reached London, "his countess was apprehended—himself on his arrival*."

James now spoke more freely, complaining that Somerset and his wife had made him an assistant in the crimes of adultery and murder; and in consigning the further investigation of the affair to the vigilance of Chief Justice Coke, he pronounced a solemn curse on the head of that functionary and his posterity "if he spared any of them; and upon himself and his, if he pardoned any." We shall presently see how far it was safe in the monarch thus to expose himself and his descendants to malediction in this matter.

The progress of this odious investigation led to the conviction of Elways, lieutenant of the Tower, and of Weston its warden; of Mrs. Turner, a superior sort of fortune-teller, and of ^{and of their accomplices.} Franklin an apothecary, all as being more or less concerned in the poisoning, and all suffered the penalty of the law. Sir Thomas Monson, the king's falconer, was also arraigned as having exercised much severity towards Overbury, and as being probably acquainted with his end. But, from some mysterious cause, this person was suddenly reconducted from the bar to the Tower by order of the sovereign; from which place, after a short interval, he was liberated without further process.

Some time was suffered to elapse before the chief culprits were brought to trial. The countess pleaded guilty, and the sentence of the law was pronounced. Somerset shared the same fate ^{Trial and fate of these persons.} by an unanimous verdict of the peers, though he laboured strenuously for the space of eleven hours in the assertion of his innocence. The king, however, notwithstanding his solemn imprecation, soon conferred his pardon on the countess, and the earl's sentence, after being suspended for several years, was at length reversed. In 1621 both were released from the Tower, and banished to a country-seat, with an allowance of 4000*l.* a year from their forfeited property. In that obscurity they passed the remainder of their days, hated of mankind, and hating each other. The countess died in 1632, Somerset lived to 1645.

* Weldon, 101, 102. Coke's Detection, i. 87.

That James should have hesitated to shed the blood of persons with whom he had been on such terms of intimacy is not strange, and hardly censurable. But unfortunately there is room to suspect that this lenity was the effect of fear more than of clemency. The circumstance of Monson's being forced from the bar in the manner already noticed, and that in consequence of a hint received by the king only the previous evening, intimating the probability that the culprit would play an unwelcome card upon his trial; the haughty and even menacing demeanour of Somerset, both before and after his conviction, and the mysterious terms in which he expressed his purposes of revenge; the solicitude of the king to have him assured that his life should not be taken, and to have him brought to trial in a more submissive state of mind than he had generally evinced in his present circumstances; and the character of the letters addressed to the monarch by Sir Thomas More, the lieutenant of the Tower, on this subject—all are matters which show that Somerset was possessed of some secret which gave him a power that he was not slow to exercise over the fears of the king. It was to prevent the threatened disclosure that James promised all he could promise with any regard to decency. It should be added that there were menaces used by Overbury towards Somerset of the same nature with those now used by Somerset towards James, and the close confinement to which that person was subject from the time of his commitment provokes the conclusion that he also was a depository of some dangerous secret, probably the same which was more successfully employed by his patron*.

In what the secret of Somerset consisted a future day must disclose. That it related to some iniquitous matter is beyond doubt: nothing short of this could have produced the confidence of the one party, or the apprehension of the other.

When Archbishop Abbot had succeeded in placing George Villiers near the person of the king, the considerate prelate, aware of the probable course awaiting the favoured youth, endeavoured to impress his mind with the value of three maxims:—these were, that he should offer daily supplication to God for grace to serve the king faithfully; that he should study to do all good offices between the king, the queen, and Prince Charles; and that he should address nothing but truth to the ear of the sovereign. The young man learnt these precepts by rote, “indifferently well,” and his monitor with characteristic gravity professed himself much gratified when assured by the monarch that such were the counsels which it became a bishop to bestow. But the giddy height to which the new minion was speedily raised left him little inclination or capacity to profit by the weighty advice of his reverend instructor. Within

Abbot's advice to Villiers—progress of the favourite.

* Bacon, iv. 90, 447, 465, 470; vi. 89, 90, 101, 103. Cabala, 33, 38, 221. Truth brought to Light, pp. 24—136. Coke's Detection, i. 84—88. Archæologia, xviii. 355—358. Howell's State Trials, ii. 951, *et seq.*

a few years, George Villiers became Viscount Villiers, Earl, Marquis, and Duke of Buckingham, and Knight of the Order of the Garter ; adding to this succession of titles places of trust not less considerable ; as the mastership of the horse, and of the King's Bench office, and the wardenship of the Cinque Ports ; with the offices of the chief justice in Eyre, steward of Westminster, constable of Windsor, and lord high admiral of England. At the same time the mother of this fortunate adventurer became a countess, his brother a viscount, and not a few of his needy kindred were drawn in various ways from their obscurity to opulence and power. In the early stages of his advancement, Villiers promised to remember the archbishop as a father ; but Abbot soon found himself a sufferer, in common with others, from the heedless conceit which this ill-judged profusion tended necessarily to produce.

CHAPTER VIII.

Conduct of James and Somerset toward Sir Walter Raleigh—He is released through the influence of Villiers—Projects a voyage to Guiana—Obtains the king's commission—Aggression of the Spaniards at St. Thomas—Failure of the enterprize—Arrest of Raleigh—Proceedings against him—Is condemned as a peace-offering to Spain—His character, and his demeanour in his last moments—Government of Ireland—State of the Irish Catholics—Plantation of Ulster—Evils of subsequent proceedings.

It was long the boast of Somerset, that whatever may have been his gains during the three years he was in power, he had always declined gratuities, and discouraged proposals that would have tended to diminish the hereditary possessions or the permanent revenue and influence of the crown ; and that he had pursued this course at the certain cost of making himself numerous enemies. But, allowing such to have been his practice, it may have originated in nothing better than a selfish foresight. His conduct towards Sir Walter Raleigh, in the matter of the estate and castle of Sherbourne, affords sufficient proof that there was scarcely any injustice to which he could not descend in order to enrich himself. Raleigh had conveyed the castle and adjoining property at Sherbourne to his eldest son some time before the decease of Elizabeth, and it was thus saved from the wreck which befell his other possessions on his being declared a traitor ; but it was afterwards ascertained that in the deed of conveyance a word had been omitted, through the heedlessness of a transcriber, and this omission, according to the chief justice Popham, an enemy of Raleigh, rendered the document invalid. Carr

Conduct of
James and
Somerset
toward
Raleigh.

seized the occasion to pray the king that the castle and its demesnes might be bestowed on himself. Raleigh had now passed some years in the confinement of the Tower, where, together with the Earl of Northumberland, he had nobly occupied himself in the pursuits of literature and science. He had suffered much, but hitherto poverty had not been among the evils of which he had to complain; and it was to prevent the adding of this affliction to the many which oppressed him, that he now addressed a dignified and pathetic expostulation to the favourite, apprising him of the bitter sorrow that would be brought on an imprisoned parent, and on those whose condition was really that of the widow and the orphan, by the meditated wrong. But the man whom the king delighted to honour had no pity; and when lady Raleigh and her children threw themselves at the feet of the monarch himself, entreating that their last reliance might not be torn from them, the only answer obtained from the royal clemency was—“*I mun ha' the land, I mun ha' it for Carr.*”

It is true James granted lady Raleigh the sum of 8000*l.* as a pro-
 fessed compensation; but only a few months later more
 than three times that amount was necessary to purchase
 the alienated property. The death of Prince Henry,
 which happened at this juncture, threw the deepest gloom
 over the prospects of Raleigh. Cecil, indeed, his most powerful adver-
 sary, was no more; but Carr had injured him much too seriously not to
 prove an enemy fully as relentless. But the time was at hand in which
 the course of this later opponent was to reach its close; and Villiers,
 his successful rival, not having the same motives to enmity, listened to
 certain bribed connexions, and procured the liberation of Raleigh after
 he had suffered imprisonment thirteen years.

Elizabeth had conferred her sanction on Raleigh in prosecuting
 several voyages of discovery, and in 1595 had encouraged his attempt
 to reach the great empire of Guiana, as it was called, situated, as was
 then supposed, on the banks of the Oronoko. This expedition was so
 far successful, that the Englishman penetrated large territories unex-
 plored by Europeans, and took formal possession of them in the name of
 his sovereign. Raleigh had found means to continue his correspondence
 with the chiefs of those distant regions from the walls of the Tower, and
 while a prisoner had solicited permission to visit them, but in vain.

When restored to liberty, the project of such a voyage increasingly
 occupied his mind; and James, partly from the advice of
 persons of influence, but chiefly in the hope that a gold
 mine, said to have been discovered, might afford a season-
 able aid to his necessities, was induced to confer a reluctant
 sanction on the enterprise. Among the friends of Raleigh in this un-
 dertaking were the earls of Pembroke and Arundel, and Secretary Win-
 wood. The latter, who was perhaps the most honest-minded man about

Indulges the
 project of a
 voyage to
 Guiana. 1616.

the king's person, mentions the pleasure with which he obtained the royal signature to the requisite commission. A.D. 1616.
Aug. 26.

The great perplexity of James on this subject arose from the fear of exciting jealousy in the Spanish cabinet, and thus of frustrating the match which he was increasingly anxious should be accomplished between the Prince of Wales and the Infanta. Gondomar, the present Spanish ambassador in the English court, was eminently qualified for the service to which he was appointed, which was to dupe the monarch by every available artifice, and to bribe his ministers in any amount that should be necessary. With such a sovereign this policy was found to be much more advantageous than the fomenting of domestic treasons, or the fitting out of armadas. Every man knew that the influence of this dangerous person over the king was considerable. His wit, his gaiety, and his refined mode of flattery, made him a welcome guest at the table of the English monarch, and introduced him to an acquaintance with whatever it was important he should know,—or rather that he should *not* have known. Gondomar obtained all the particulars of the intended voyage from James, and through the Spanish cabinet called upon the Spaniards in the neighbourhood of the supposed mine to put themselves in readiness, that a summary punishment might be inflicted on men who, under pretence of a mining adventure, meditated nothing better than acts of piracy and rapine.

Nearly twelve months had passed since the grant of this commission, when Raleigh sailed with a fleet of fourteen armed vessels from Plymouth, and, after an unfavourable voyage of four months, came within sight of the coast of Trinidad. Two vessels had foundered, and Raleigh, in common with many of his followers, was wholly disabled by sickness. Five boats, each containing fifty armed men, were sent up the Oronoko, under the command of Raleigh's nephew, and the conduct of Captain Keymis,—an officer who professed to have discovered the alleged gold mine by the assistance of a native in a former voyage]*.

* In this enterprise Raleigh embarked the 8000*l.* which he had obtained as an alleged compensation for the estate of Sherborne; also the sum of 2500*l.* furnished by Lady Raleigh as the price of an estate which she disposed of at Micham. Indeed, the preparations altogether were of a kind to refute the assertion of Hume, that plunder, not settlement, was the object of the undertaking. The following instructions were delivered by Raleigh to the commanders of the several vessels on their leaving Plymouth:—"Because no action or enterprise can prosper (be it sea or land) without the favour or assistance of Almighty God, the strength of hosts and armies, you shall not fail to cause divine service to be read in your ship morning and evening; or, at least, if there be interruption by foul weather, once in the day; praising God every night with singing a psalm at the setting of the watch. Secondly, you shall take special care that God be not blasphemed in your ship, but that after admonition given, if the offenders do not refrain themselves, you shall cause them of the better sort to be fined out of their adventures; by which course if no amendment be found, you shall acquaint me withal; for if it be threatened in the Scripture that the curse shall not depart from the house of the swearer, much less from the ship of the swearer." *Tytler's Life of Raleigh*, p. 391

It is now to be observed, that near the spot of this supposed mine the Spaniards, since the territory had been taken possession of by Raleigh, had built the small town of St. Thomas. **Aggression of the Spaniards at St. Thomas.** The instructions given to his nephew and Keymis were, that they should proceed directly to the mine, and that they should not in any way molest the Spaniards unless hostilities should be commenced by them. The Spaniards, faithful to the orders which had been issued by his Catholic majesty, paid no regard to the pretensions of the English as the discoverers of that portion of the country, but commenced a merciless attack on the strangers during the night. The courage of the officers saved the greatest part of their followers, and pursuing their assailants to St. Thomas, the town was captured. But in this conflict, and by means of a subsequent ambuscade, considerable losses had been sustained; while the Spaniards, disposed with advantage at the different points of the road, seemed to render all further advance in the country impracticable. The town was in consequence destroyed, and Keymis returned to Raleigh, not only to announce the failure of the undertaking, but the death of his son, who had fallen in the taking of St. Thomas.

Raleigh's feelings of sorrow and wounded pride, on receiving these melancholy tidings, were hardly to be described. All sub-
Failure of the enterprise. ordination was soon at an end among his followers, and nothing at length remained but that he should direct his foreboding course towards England. Before his arrival Gondomar had informed the king of what had been done at St. Thomas, and pronouncing the whole proceeding as grossly fraudulent and piratical, gave his majesty to understand that the King of Spain was not likely to make any future appeal to his justice if the present should be made in vain*. James was shaken in every nerve by the fear that his long and anxious negotiations with regard to the Spanish match would be rendered abortive by this event; and without waiting for the return of the accused party, a proclamation was issued, declaring in the strongest terms that the attack upon St. Thomas was unauthorized and detestable†. Lord Carew, who shared not in the pusillanimous weakness which this conduct betrayed, threw himself at the feet of the monarch, and urged much in behalf of Raleigh;—"and they say," adds the writer who has

* Bacon's Letters, by Birch, 178.

† Buckingham's letter, sent to Gondomar at this moment, stated that the king of England held himself more aggrieved by the conduct of Raleigh than the king of Spain could do. It assured Philip that all kinds of property found in Raleigh's possession belonging to the subjects of Spain should be forthwith restored, and that though the offenders could not be capitally punished without process of law, the king would take some summary course with them, punishing their conduct not less severely than he would have done if St. Thomas had been a city of England. Whether the punishment should be inflicted in England or Spain was left to the pleasure of the Spanish monarch. and Gondomar was urged to despatch some one into Spain immediately with a message to this effect. A copy of this letter is in the State Paper Office, bearing date 6th July, 1618. Criminal Trials, i. 483.

recorded this fact, "his majesty's answer was, that as good hang him as deliver him to the King of Spain, who assuredly would; and one of these two he must; at least if the case were so as the Spanish ambassador had represented it. And when my lord yet pressed him, 'Why the most thou canst expect,' said the king, 'is, that I would give him the hearing;' and so dismissed him. And indeed, a legal hearing is all Sir Walter's well-wishers desire, for then they make no doubt but he will make his cause good against all accusations in this kind whatsoever *."

On reaching Plymouth, Raleigh immediately commenced his journey toward London, confident it seems that he should be able to justify his conduct. But he had not proceeded far when his arrest, and the language in which the particulars of the enterprise had been described in the royal proclamation, filled him with alarm. His first intention at this juncture was to effect an escape to France, where he was encouraged to expect more generous treatment than in his own country. This object he might have accomplished, but he began to hesitate, and again determined to meet the accusations of his enemies. At Salisbury he feigned sickness, and thus gained time to prepare his defence; but still distrusting the issue, the spies of the government who were placed about succeeded in persuading him to resume his purpose of flight; and this purpose he was allowed so far to realize as to pass Woolwich in his way toward a vessel, said to have been prepared to convey him to France. It was at this place that Sir Lewis Stukely, his kinsman, threw off the mask of the villain by betraying him into the hands of his enemies, who speedily conducted him to the Tower. Raleigh had been put on this attempt purely that matter of accusation might be accumulated against him; and with this view it had him also been contrived that some intercourse should take place between and an agent of France †.

That the attack on St. Thomas was regarded by the crown lawyers as susceptible of a plausible, if not of a triumphant defence, is manifest from the fact that, after resorting to the most unscrupulous artifice in the hope of finding proofs of delinquency against him in that respect, and after a formal examination and much deli-

* Caley's Life of Raleigh, ii. 137.

† That Raleigh should have returned to England at all, under such circumstances, was a matter of surprise to many of his contemporaries. It is the statement of his son, and we have no reason to suspect its truth, that the earls of Pembroke and Arundel had become bound for the return of Sir Walter, and his safe deliverance into the king's hands; and that for this cause Raleigh placed himself in the hands of his enemies, well knowing what was likely to follow. "An act," says a writer of the time, "which may be not unjustly compared to the conduct of Regulus, who to keep his promise and faith, returned to his enemies with whom he had been prisoner, though he knew he went to an inevitable death." Howell's Familiar Letters, p. 383. Having once delivered himself, Sir Walter considered this obligation as discharged, and deemed himself at liberty to employ any subsequent means for his escape.

beration on the subject, it was deemed inexpedient to put Raleigh on his trial upon that charge.* Odious as such conduct must have appeared to every one, it was resolved to proceed against him by calling for the execution of a sentence which had been suspended fifteen years. That this execution might be "granted," Raleigh was made to appear in the Court of King's Bench, where he was called upon to show why this sentence should not now be enforced. In his defence he dwelt on the injustice of the proceedings against him in 1603, on which this sentence was founded; and urged strongly, that his late commission, conferring on him a power of life and death over those subject to his command must have amounted to a rescinding of his former sentence. But all objections of this nature were overruled by the authority of the chief justice, and the prisoner was admonished to prepare without delay for the doom awaiting him †.

James was not an uninterested spectator of these iniquitous proceedings. The marriage between his son and the Infanta he Put to death as a peace-offering to Spain. now viewed as nearly secured. But he had been officially informed that any hesitation in disposing of Raleigh "would serve for materials of future and final discontentments;" and when this threat was complied with, the court of Spain were duly ap-

* After Raleigh's commitment to the Tower, one Sir Thomas Wilson was appointed by the king as his special keeper, with instructions to obtain from him, by every means that could be devised, whatever might serve to inculpate him in the matter of the *Gulana* voyage. But though Raleigh himself was completely deceived by that adept in treachery, the government gained nothing by this stratagem. The manner in which the reports from this man were received by the king and the court is evident in the following note on the subject from Sir Robert Naunton:—"Sir, I read most of both your letters to his majesty, who allows well of your care and discretion. I hope you will every day get ground of that hypocrite, that is so desirous to die, mortified man as he is." (Raleigh was suffering from several kinds of indisposition, and had expressed himself as weary of life.) "His majesty was well pleased with your past services; he will think long for the ripening and mellowing of the observations and conferences by which you are to work on that cripple." *Criminal Trials*, i. 492. Raleigh was encouraged in a correspondence with his wife, and the letters of both were regularly intercepted and examined by the king. But none of these many snares availed.

† The commissioners in this case had submitted two forms of proceeding; one of which was, that a warrant should be sent to the Lieutenant of the Tower, calling at once for the execution of Raleigh, and that a narrative of his alleged offences should at the same time be printed and circulated. The other form required that the accused should be brought before a council of state, including the judges, where accusation might be made against him and his defence heard; and that the council might then be called upon to say, whether the king might not with justice and honour give warrant for his execution. But the judges were not capable of agreeing to the manifest injustice of either of these suggestions, and it was their act to require that the prisoner should be brought into the Court of King's Bench, where the execution was "granted" according to the forms prescribed by the law, though the assumption of the justice of the sentence by Popham, the chief justice, was a piece of hypocrisy which might have been spared. Cayley, ii. 147—150. *Hutton's Reports*, p. 21. *Howell's State Trials*, ii. 33—35. Dr. Lingard's account of the conduct of Raleigh is partial and defective. The taking of St. Thomas, for example, is mentioned without the slightest notice of the previous attack of the Spaniards.

prized that Sir Walter had been thus dealt with "chiefly for giving them satisfaction *." That no Spaniard would have suffered at Madrid under similar circumstances is certain.

Not that Raleigh was a faultless man. He had been among the most forward in repaying his obligations to the late queen in the language of flattery, and by the most obsequious deport-^{His character, and demeanor in his last moments.}ment; and in his eager pursuit of wealth and power he had sometimes manifested a haughty demeanour towards those below him, and had not always scrupled to sacrifice principle to intrigue. But his various and commanding talents were never so honourably exerted as during his imprisonment. In that school of adversity also the moral elements of his character underwent a marked improvement, and the claims of religion there became an object of grave attention with him, as well as the cultivation of his mental powers. An indecent haste, contrary to his own earnest solicitation, summoned him to the scaffold the day after the Court of King's Bench had awarded execution of his sentence. But this affected him not. To some of his friends who expressed their sorrow on his behalf, he remarked, "The world itself is but a larger prison, out of which some are daily chosen for execution." The clergyman who attended him records †, "he was the most fearless of death that was ever known, and the most resolute and confident, yet with reverence and conscience. When I began to encourage him against the fear of death, he made so light of it, that I wondered at him. And when I told him that the dear servants of God, in better causes than his, had shrunk back and trembled a little, he denied not, but yet gave God thanks he never feared death, and much less then: for it was but an opinion and imagination; and the manner of death, though to others it might seem grievous, yet he had rather die so than of a burning fever. He said that he was persuaded that no man that knew God and feared him could die with cheerfulness and courage except he were assured of the love and favour of God unto him; that other men might make shows outwardly, but they felt no joy within; with much more to that effect, very Christianly; so that he satisfied me then, as I think he did all his spectators at his death. After he had received the communion in the morning, he was very cheerful and merry, and hoped to persuade all the world that he died an innocent man, as he said. I put him in mind of the death of my lord of Essex, how it was generally reported that he was a great instrument of his death; to which he made answer as in the former relation; and said moreover that my lord of Essex was fetched off by a trick, which he privately told me of. He was very cheerful the morning he died, ate his breakfast, and took tobacco, and made no more of death than if he had been to take a journey; and he left a great impression on the minds of those that beheld him."

* Rushworth, i. 9.

† This passage forms part of the account of Raleigh's last hours, furnished by his biographer Caley.

Another eye-witness of the last moments of this injured man has stated, that every one "who saw Sir Walter Raleigh die, said it was impossible for any man to show more decorum, courage, or piety; and that his death would do more hurt to the faction that sought it, than ever his life could have done *."

On the scaffold Raleigh was sustained by the same elevated courage. In a dispassionate address he vindicated or explained several points of his conduct, especially in the enterprize for which, though not ostensibly, he was now called to suffer. Of the matters charged upon him in 1603 he said nothing, as every one knew that the real causes of his death were of a much more recent date. Among the friends who attended him were the Earls of Pembroke, Arundel, and Northampton. Having taken leave of these persons he inquired for the axe, and feeling its keen edge, observed with a smile, "It is a sharp medicine, but a cure for all ills." He then laid his head upon the block, his last words being those addressed to the dilatory headsman, as he said "Why dost thou not strike? Strike, man!" His body continued unmoved, while, with two blows, the head was separated from it.

Raleigh had reached the sixty-sixth year of his age. He left one son, who some years after was presented at court, but the conscience of the king described him as the ghost of his father, and the young man passed his time on the continent until the next reign.

The "declaration" with respect to the case of Raleigh, subsequently issued with the sanction of the monarch, was altogether an *ex-parte* statement, put forth solely with a view to lessen the odium which the transaction had brought on the sovereign and on all concerned in it. Nothing had occurred to show that Raleigh would have conducted himself otherwise than peaceably, had the Spaniards abstained from becoming the aggressors. What followed was no matter for punishment. That he sincerely hoped to obtain access to the precious metals in Guiana is highly probable; and his policy appears to have been, to leave this country in circumstances, that, in case of failure on that point, it might be in his power to give existence to an English settlement in those regions. This he was entitled to do by the right of discovery—the Spaniards of St. Thomas being in fact the real intruders—unless we admit a special authority in the pope to cede the known or the unknown territories of the earth to his spiritual children at pleasure †.

* Criminal Trials, i. 511—from a letter in the State Paper Office.

† Hume's elaborate defence of the conduct of James in this disgraceful transaction is founded on the allegations of the declaration referred to, which the historian represents as a document of "undoubted credit," and as "subscribed by six privy councillors." Upon inquiry, however, it appears that no one of the privy council signed this paper, nor is there any evidence that it obtained their sanction. The declaration is preserved in the Harleian Miscellany, vol. iii. n. 2, and consists of nothing more than an argument artfully managed in favour of the king, and which was published by royal authority. Concerning the general character of such documents, see pp. 48, 49, note.

On the whole we must place the execution of Sir Walter Raleigh among the many occurrences in the reign of James the First, which attach so much disgrace to the character of that monarch, and render the period during which he swayed the sceptre of England the most dishonourable in its history. No one can pretend, with any ingenuousness, that Raleigh was brought to the scaffold on account of the charges said to have been proved against him in 1603, or in consequence of the accusations, still more vague and contemptible, which were preferred against him in 1618. He was feared and hated by the King of Spain, and for that cause he was put to death. This, as we have seen, was admitted by the minister of the English monarch, who pleaded it as a merit in his master, that he had deprived himself of as useful a man as served any prince in Christendom, and one whose preservation would have been highly acceptable to his subjects, simply as a means of perpetuating his friendship with the King of Spain. Fifteen years had passed since the verdict now to be enforced against Raleigh was pronounced, and nothing but a sense of its gross injustice had prevented its being acted upon before. And what is remarkable, that verdict referred to alleged acts of collusion and friendly dealings with Spain, while the execution of the sentence to which it exposed the accused party was now called for on the pretence of an act of hostility against that country. Raleigh indeed is not the first English subject whose life must be regarded as sacrificed to political objects; but in his case there was a surrender of the sword of English justice into the hands of a foreign prince, which, in its meanness and pusillanimity, was without precedent. There was enough assuredly in these proceedings to warrant the language of Mr. Justice Gawdy, when affirming that "the justice of England had never been so degraded and injured as by the condemnation of Sir Walter Raleigh *."

From the death of Raleigh, the most unpopular event in the reign of James I., we may turn to the policy of this monarch with ^{Government} regard to Ireland, the part of his conduct in which there is ^{of James in} most to approve, though not so much perhaps as is some- ^{Ireland,} times represented. Until the accession of Elizabeth, the wars between the natives of Ireland and the English, had resulted altogether from a desire of ascendancy on the one side, and from a love of independence on the other. But under the last Tudor sovereign this struggle became one of religion as well as of general freedom. The pope had been long acknowledged by the chiefs and vassals of Ireland as lord paramount of that kingdom, with respect both to its spiritual and temporal affairs. But Elizabeth, who sought to impose the protestant faith on that tributary

* Criminal Trials. i. 519, 520. In 1620 one Roger North and others contemplated a settlement in the part of Guiana bordering on the Amazon river, and obtained a charter of incorporation for the purpose. But James, again influenced by the fear of Spain, revoked the commission; and as North still prosecuted his object, a proclamation was issued, calling upon all persons to treat the adventurer and his followers as culprits, and to bring them to justice. Anderson's Hist. Commerce, ii. 5.

country, was a princess whom the papal power had excommunicated. To retain the Irish catholics in any semblance of allegiance to a sovereign so circumstanced, must naturally have required the utmost watchfulness and vigour.

On the accession of James, the minds of the people had become somewhat familiar with the notion that civil obedience might be a duty, even though the sceptre should be swayed by a heretic; and the new monarch, moreover, against whom no sentence of deposition or excommunication had gone forth, was a descendant, through the line of Fergus, from the ancient kings of Erin.

During the reign of Elizabeth, the laws against the Catholic worship had been of necessity but very partially enforced; nor was it without considerable policy and spirit that Mountjoy, the lord deputy, succeeded in crushing the beginning of violent measures in its favour, on the death of that princess. There were weekly fines that might be imposed on all who failed to attend the Protestant worship on the Lord's day. And there was an oath recognizing the king as supreme in all matters ecclesiastical as well as civil, that might be tendered before any person could hold the office of magistrate, sue out the livery of his lands, plead at the bar, or acquire literary honours. But these oppressive statutes belonged to a rude system of government, which left the execution of them to be regulated by circumstances, and more commonly by the temper or caprice of individuals. This, as we have seen, was the case, in a great degree, with such enactments in England, but it was much more so in Ireland.

This practical lenity of the English government taught the Catholics of Ireland to petition the new monarch for a toleration of their worship, and they were much surprised on hearing that the king had described their customs as idolatrous, and contrary to his conscience; and that four of their deputies were sent to the Tower, that they might learn to be less presumptuous. A similar fate awaited Sir Patrick Barnewell, who, a little later, appeared in the same character, deprecating the severities introduced during the alarm which followed the detection of the Gunpowder Conspiracy. But James was an unwilling actor in these proceedings, and soon issued his "commission of graces," which, by mitigating the previous severities, served to lessen the feeling of discontent.

These graces were meant to prepare the way for some important changes in the laws of Ireland, with a view to their nearer assimilation to those of England. Almost the only penalty attached to offences by the customs of that island, consisted in mulcts or fines, regulated by the supposed nature of the offence, and the station of the offender. Even the murderer might secure himself by means of these pecuniary compensations.

Great improvement in the laws respecting offences and property.

In the distribution of property, the usage known by the name of *gavel-kind* prevailed, which required that at the death of a parent his substance should be divided in equal portions among the male children of his sept or family, whether legitimate or not. It also vested the chief with so much power of re-distribution with respect to the possessions of families on other deaths, that all individual property in the soil was destroyed, each man being left to no better motive in labouring to improve his lands or buildings than what arose from a regard to his clan, scarcely anything being really at his own disposal. This pernicious custom was connected with a kindred usage known by the name of *Tanistry*, according to which the Irish chieftains exacted a sort of revenue from the members of their clan in the shape of produce, called *casherings*, *sessings*, *rents* of butter and oatmeal, and the like, the proportions of which were determined much more by the power or pleasure of the chieftain or landlord than by any known law. James abolished these rude customs, and introduced laws which connected more adequate penalties with offences, which empowered the possessors of property to dispose of it more according to the usage of England, and substituted a fixed payment in rent in the place of the irregular exactions of the *Tanists*. In this manner vice was more effectively checked; the influence of the chiefs and the ties of clanship were broken; while each man experienced the stimulus to exertion which can only result from a consciousness of being secured in possession of its legitimate fruits. That these measures did not remove all the old evils of Ireland, and that they produced others before unknown, is but too certain; the benefits, however, which resulted from them were many and considerable, and much credit is due to the intelligence and feeling in which they originated*.

Another project which occupied the attention of the monarch was the colonization of Ulster, a large province, nearly the whole of which, in consequence of the attainder of certain rebel lords, had fallen to the crown. The lands were accordingly divided into lots of a thousand, fifteen hundred, and two thousand acres each. The larger lots were disposed of to such settlers as came from England or Scotland, and who were persons of capital; the smaller were open to be possessed by them or by the natives. But it was so ordered that the hills and fastnesses should be secured to the new colonists, the natives being situated in the plains. By this means the most turbulent province in Ireland was converted into the most peaceful and prosperous, and made to operate as a permanent check on the tendencies to disorder through a considerable portion of the kingdom†.

The success of this experiment induced James to attempt extending

* Sir John Davis's *Discovery*, 166—278.

† Davis, 280. *Desirata curiosa Hiberniæ*. Address, ii. 296.

Evils attend—it to other provinces. But these subsequent measures fell into the hands of a rapacious and unprincipled agency, and proved injurious rather than beneficial. Inquiries were instituted as to the titles on which lands were held, which served to show that if the forms of law were insisted on, the possessions of the most established natives of Ireland would be found, with very rare exceptions, to be wholly at the mercy of the crown. The immediate effect of this discovery was, a demand that these defective titles should be surrendered in order that the occupiers might receive more valid documents in their room; and it was enjoined by the king that this important exchange should not be allowed to occasion a loss to any proprietor of more than one fourth of the lands so possessed. But many were sufferers much beyond that extent, even to their last acre; and so numerous, and often so flagrant, were the cases of hardship, that the benefit conferred on Ireland by what had been done in Ulster was perhaps more than outweighed in that bitter sense of wrong which was spread over a much wider space by these later innovations. Between the strangers thus introduced and the older inhabitants, nothing better was to be expected than the feud and bloodshed which followed*.

CHAPTER IX.

Ecclesiastical affairs—Proceedings in Scotland—Small progress of episcopacy—James visits that kingdom—impolicy of his proceedings—England—the Catholics—the Puritans—primacy of Bancroft—attack on the High Commission Court—nature of that court—Progress of separation from the Established Church—two classes of Puritans—their doctrine respecting the province of the magistrate in regard to religion—Primacy of Abbot—New translation of the Scriptures—Legate and Wightman put to death on a charge of heresy—The Book of Sports—Passive obedience—Calvinistic tenets discountenance that court—Rise of the doctrinal Puritans—Origin of the Brownists—their notions concerning ecclesiastical polity—the Church of England—their loyalty—Notice of Robert Brown—Number of the Brownists—their confession of faith—they become exiles—Origin of the Independents.

Our last notice of ecclesiastical affairs related to the proceedings immediately consequent on the debate at Hampton Court, and on the discovery of the Gunpowder Conspiracy. It will now be proper to review the state of religion, and of religious parties, from that period to the close of the present reign.

* The reader may compare the account given of these transactions by Hume with the more circumstantial one furnished by Dr. Lingard (ix. 187—212), and by making some allowance for the prejudices of both, he will probably arrive at the substantial truth.

We have noticed the popular jealousy and the rude censures to which James exposed himself in Scotland, partly by his ill-directed favouritism, and partly by his zeal in the cause of ^{Ecclesiastical} episcopacy. As the effect of much artifice and violence, ^{affairs in} Scotland. the monarch had succeeded in imposing a nominal order of bishops on his reluctant subjects in that kingdom. In 1606 the thirteen ancient bishoprics, which certain ministers had been selected to occupy, were all endowed from the old church lands; and, at the pleasure of the sovereign, two courts of high commission were instituted, which vested the new prelates with powers such as no popular legislature in England or Scotland would have conferred on them. But to this period the Scottish bishops owed their existence wholly to the civil power; nor did they receive their ordination as prelates until James had been seven years on the English throne. Two years later the Scottish parliament was induced to pass enactments which declared the bishops of the church of Scotland possessed of nearly the same powers with their brethren in the church of England, and which in form gave to the crown the same ecclesiastical supremacy in Scotland which it possessed in England.

But this progress of episcopalianism, and of encroachment on the liberties of the Scottish kirk, was more apparent than real. ^{Small progress} The measures which sanctioned these innovations had been ^{of episcopacy} carried on in the face of loud opposition, and by means of ^{in Scotland.} every sort of menace and intrigue. The conduct of some of the leading clergy in resisting them was such as to be pronounced treasonable, and several escaped the doom of traitors only by submitting to banishment. But what was branded by the law as treason, was lauded by the people as the virtue of the confessor and the martyr, and the preaching and public prayers of their ministers, which often contained pathetic allusions to the wrongs of their suffering brethren, served to augment the general feeling of discontent.

It was not until 1616 that James paid his first visit to his native land as king of England. Certain towns in Holland, which had been long in the power of English garrisons as a security ^{James's visit} for large sums of money due from the States to Elizabeth, ^{to Scotland.} were now given up,—a considerable payment, though much below the amount for which the towns were pledged, being made to the English monarch*. This seasonable aid enabled the king to satisfy some of the more urgent of his creditors, and to accomplish his long-meditated purpose of making a progress into Scotland. Hitherto the work of ecclesiastical innovation in that kingdom had been carried on by the influence and authority of the earl of Dunbar. James was not without hope that his presence would suffice to complete the reformation of the kirk, now so far advanced; and the arts usual on such occasions were employed to render the Scottish parliament subservient to his pleasure. But an

* Rymer, xiv. 783—787.

attempt to confer the power of legislating in ecclesiastical affairs on the king assisted by certain clerical commissioners, called forth so formidable a remonstrance, that James deemed it prudent to withdraw the proposal, under the pretext, that small importance was to be attached to an act of parliament in favour of a right which every one must know was inherent in his crown.

At a subsequent meeting of the clergy, the monarch directed his reforming zeal to some matters of detail. It was required that the festivals of the church of England should be observed in the church of Scotland; that the Eucharist should be received kneeling at an altar, and not sitting at a table; that this sacrament, together with that of baptism, should be administered, when death was expected, in private houses; and that the young should receive the benefit of confirmation from the hands of the bishops. The clergy petitioned that these matters should not be pressed until sanctioned by a general assembly; and James, having so referred them, with an understanding that they were not to be opposed, returned to England. But when that assembly met, the whole, with one partial exception only, were rejected. The king was not a little indignant on finding himself thus over-reached; but another assembly and another parliament were convened, and both were so managed as to force upon a turbulent people a number of trivial customs which they were almost unanimous in regarding as idolatrous or superstitious*.

Through every step of this affair, in the parliament as well as in all the general assemblies, says the apologist for the house of Stuart, "the nation betrayed the utmost reluctance to all these innovations, and nothing but James's importunity and authority had extorted a seeming consent, which was belied by the inward sentiments of all ranks of people. Even the few over whom religious prejudices were not prevalent, thought national honour sacrificed by a servile imitation of the modes of worship practised in England; and every prudent man agreed in condemning the measures of the king, who, by an ill-timed zeal for insignificant ceremonies, had betrayed, though in an opposite manner, equal narrowness of mind with the persons whom he had treated with such contempt. It was judged, that had not these dangerous humours been irritated by opposition, had they been allowed peaceably to evaporate, they would at last have subsided within the limits of law and civil authority; and that, as all fanatical religions naturally circumscribe to very narrow bounds the numbers and riches of the ecclesiastics, no sooner is their fire spent, than they lose their credit over the people, and leave them under the natural and beneficent influence of their civil and moral obligations†."

* Spotswood's Hist. 337, *et seq.* Dalrymple, i. 84—93. † Hume, vi. 90, 91.

In England, the three religious parties into which the kingdom was divided under Elizabeth continued, the court and the hierarchy forming the most powerful, but often perplexed to the utmost as to the best mode of dealing with the Catholics on the one hand and the Puritans on the other.

Ecclesiastical
affairs in
England.

The hostility with regard to the professors of the Catholic faith, which the occurrences of the two last reigns had served to produce, was constantly manifesting itself in the commons; and had the laws which obtained the sanction of that assembly been generally and rigidly acted upon, persons professing any sort of allegiance to the bishop of Rome must have ceased to be known in the country. Instances of capital punishment were not wanting in the case of priests, and many of the laity were justified in complaining of hard treatment. But it is certain that a strict enforcement of these cautionary regulations formed the exceptions rather than the rule. When the alarm produced by Catesby's conspiracy had somewhat subsided, the disposition which prevailed in the administration of these laws, not only in the court but through the land, was to restrict them to such instances of recusancy as were the most notorious, and considered the most dangerous. James confessed to his first parliament that his own practice in this respect had been to "lay on the reins," or to use "the spur," as occasion required; and so general was this policy, that to his second parliament the king observed, "A lieutenant of mine in one county hath informed me he could not procure three justices of the peace, except some of his own friends and servants, that would assist him in due execution of these laws*." Towards the close of this reign the projected Spanish match, and the disasters which attended the efforts of the Protestant states in favour of the palatinate, gave new strength to the popular apprehension with regard to Popery, and occasioned its being frequently demanded that the hopes and boldness of the English Catholics might be checked by more vigorous conduct on the part of the government. But these complaints were so much matters of course as to be little regarded. The king heeded them not, expecting that his good brother of Spain would be thereby rendered the more favourable to the proposed matrimonial connexion; and the people, on the other hand, uttered their discontent the more vehemently, meaning that the sovereign should thereby perceive how far his subjects were from sympathizing with him in regard to the intended alliance.

Catholics.

Progress of
the contro-
versy between
the Puritans
and the court
clergy.

The controversy between the Puritans and the hierarchy not only continued to exist, but became more formidable, the topics of complaint being multiplied, as well as the number of those who either secretly or openly were disposed to adopt them. The conduct of James in appointing Bancroft, the most intolerant and secular churchman of the age, to the

* Parl. Hist. i. 1150, 1375.

see of Canterbury, tended to this result. The history and the writings of that prelate had shown him to be a Protestant purely from circumstances, and in relation to a few almost unimportant particulars, while his political creed embraced some of the most servile doctrines ever broached by a partisan of arbitrary power. The motives of James in this instance of preferment are thus touched upon by Sir John Harrington:—"His majesty had long since understood of his writing against the Genevising and Scottising ministers; and though some imagined he had therein given the king some distaste, yet finding him, in the disputations at Hampton Court, both learned and stout, he did more and more increase his liking to him; so that, although in the common rumour, Toby Matthews, then bishop of Durham, was likeliest to have carried that, yet his majesty in his learning knowing, and in his wisdom weighing, that this same strict charge, *pasce oves mei*, feed my sheep, requires as well a pastoral courage of driving in the stray sheep and driving out the infectious, as of feeding the sound, made especial choice of the bishop of London, as a man more exercised in affairs of the state. I will add also my own conjecture out of some of his majesty's own speeches, that in respect he was a single man, he supposed him the fitter, according to Queen Elizabeth's principles of state*."

One effect of intrusting power to such men in such circumstances is to exasperate rather than convince the obnoxious parties; and another, which as commonly follows, is to produce a sympathy with the sufferers in many dispassionate minds that would otherwise have felt little interested about them. In this manner Bancroft increased the spirit of Puritanism, while he seemed to have been in a great degree successful in opposing it, and taught many who were not Puritans to look with favour on any course of affairs which promised such persons a reasonable exemption from the injuries of which they complained.

* Harrington's *Nugæ Antiquæ*, i. 11, 12. The works of Bancroft which thus favoured his promotion, were his "Dangerous Positions and Proceedings published and practiced within this Island of Britaine under Pretence of Reformation, and for the Presbyterall Discipline," and his "Survey of the pretended Holy Discipline, containing the beginnings, success, parts, proceedings, authority, and doctrine of it, with some of the manifold and materiel repugnances, varieties, and uncertainties in that behalf; faithfully gathered by way of Historical Narration out of the books and writings of the principal favourers of that Platform." In the judgment of this arbitrary primate the Scottish Reformers did more harm to their country within thirty years than had been done to it by Popery for five hundred. *Dangerous Positions*, p. 30. Queen Mary is described as "of nature and disposition very mild and pitiful; and yet because she suffered such cruelty and superstition to be practiced and maintained in her days, you have heard what was resolved by Goodman, Whitingham, Gilby, and the rest of the Genevans, against her; which fact is a matter that should be well considered of, and in time provided for accordingly, considering that these our home-bred sycophants, men of the Geneva mould, as proud and presumptuous as any that ever lived, do charge the present state under her majesty (Elizabeth) with such great impiety, corruption, idolatry, superstition, and barbarous persecution, which may touch her highness as nearly (by their doctrine) for maintaining her present state, as Queen Mary was for defending of Popery." *Ibid.* 63, 64. This passage presents a fair specimen of the mildness, candour, and Protestant zeal of the new primate.

Some judgment of the spirit which animated this favoured prelate may be formed from his conduct towards a clergyman and a merchant of Yarmouth, and particularly towards the person who appeared as their advocate. It was ascertained that the clergyman and the merchant adverted to, had been present, after attending morning service at church, at a private service conducted by a minister who had submitted to the loss of his living as a nonconformist. Both were summoned to appear before the Court of High Commission, by whose authority, after enduring much studied annoyance, they were committed to prison, and denied the privilege of bail. The prisoners, by securing their writ of *habeas corpus*, extorted the justice of an open trial, when Nicholas Fuller, a bencher of Gray's Inn, presented himself as their counsel. In his address, Fuller did not hesitate to demand that the accused should be immediately discharged, urging that the usage of the High Commission Court in fining and imprisoning his majesty's subjects, and in administering the oath *ex officio*, was chargeable with usurpation, and with acting contrary to the good laws of the realm. Bancroft, who, according to an honest historian of these times, was "driving on conformity very fiercely throughout all his province," was not a little indignant at the boldness of this "unexpected rub," and spared no pains in magnifying the importance of inflicting a signal punishment on the man who had dared thus openly to impugn the authority of a tribunal constituting the only means by which the cause of the church could be sustained against the perverseness and malignity of its enemies. James concurred in these views, and Fuller was imprisoned. Much effort was made to procure his enlargement; but care was taken that the noble-hearted sufferer should make no second attack on the strong hold of the oppressor. The confinement of Fuller ended only with his life†.

But the primate lived to find the question which Fuller had the boldness to move, discussed with equal freedom in the English parliament. In the closing session of the first parliament under the present monarch it was matter of loud complaint that the prelates should have "deprived, disgraced, silenced, and imprisoned" so many of the Puritan clergy, who were described as "God's messengers," and as eminent benefactors to their country. These measures were particularly censured as taking place in contempt of the efforts made in the lower house to prevent them, and as having respect to a conformity which the legislature had never enjoined, and which could not in consequence be legally enforced. It was further stated, that much had been done to limit and define the authority of the ecclesiastical commissioners; to put an end to the use of the oath *ex officio*; to prevent the intrusion of the churchman on the province of the magistrate; to provide especially that the canons made in the late convocation, or in any

* Fuller's Church Hist. 56. † Neal, ii 39.

other, should not be suffered to impair the civil rights of Englishmen ; and to affirm most explicitly that the validity of all such regulations must be derived from the authority of parliament. All these wholesome measures, however, the court had resisted, and by so doing had justified the parliament in its reluctance to part with the money of the subject.

As the commons assumed this bolder tone of remonstrance, James became more extravagant in his assertions as to the power of kings ; and his conduct led to the framing of a protest, in which the commons claimed to be free and undisturbed in their deliberations to whatever matter of grievance or question of prerogative those deliberations might relate. This protest was accompanied by a petition, which stated that, "Whereas divers learned and painful pastors that have long travailed in the work of the ministry, with good fruit and blessing of their labour, who were ever ready to perform the legal subscription, appointed by the thirteenth of Elizabeth, *which only concerneth the confession of the true Christian faith, and doctrine of the sacraments*, yet, for not conforming in some points of ceremonies, and for refusing subscription to the late canons, have been removed from their ecclesiastical livings, being their freehold, and debarred from all means of maintenance, to the great grief of your majesty's subjects, seeing the whole people that want instruction lie open to the seducement of Popish and ill-affected persons ; we therefore most humbly beseech your majesty that such deprived and silenced ministers may, by licence or permission of the reverend fathers in their several dioceses, instruct and preach unto their people in such parishes and places where they may be employed, so as they apply themselves in their ministry to wholesome doctrine and exhortation, and live quietly and peaceably in their calling, and shall not, by writing or preaching, impugn things established by public authority."

The commissioners further complained of pluralities and non-residence, and that "excommunication was exercised upon an incredible number of the common people, by the subordinate officers of the ecclesiastical jurisdiction, for small causes, and by the sole information of a base apparitor, so that the poor were driven to excessive expenses for matters of small moment, while the rich escaped by a commutation of penance." These particulars are enumerated as calling for speedy reformation*.

But the complaints made by the members of this parliament with respect to the practice of the High Commission Court bespoke their intelligence and love of justice more strongly than any other part of their conduct, and must have been regarded by the ruling clergy with the greatest alarm. The origin and nature of this court should be distinctly understood. In the Act of Uniformity, passed on the accession of Elizabeth, was the following clause:—"The queen and her successors

Origin and constitution of the High Commission Court.

* Howell's State Trials, ii. 522—527. Neal, ii. 68—74.

shall have power, by their letters patent under the great seal, to assign, name, and authorise, as often as they shall think meet, and for as long time as they shall please, persons, being natural-born subjects, to use, occupy, and exercise, under her and them, all manner of jurisdiction, privileges, and pre-eminences, touching any spiritual or ecclesiastical jurisdiction within the realms of England and Ireland, &c.; to visit, reform, redress, order, correct, and amend all errors, heresies, schisms, abuses, contempts, offences, and enormities whatsoever. Provided that they have no power to determine any thing to be heresy, but what has been adjudged to be so by the authority of the canonical Scripture, or by the first four general councils, or any of them, or by any other general council wherein the same was declared heresy by the express and plain words of canonical Scripture, or such as shall hereafter be declared to be heresy by the high court of parliament with the assent of the clergy in convocation*." It was further provided, "that the queen's majesty, by advice of her ecclesiastical commissioners, or of her metropolitan, may ordain and publish such ceremonies or rites as be most for the advancement of God's glory and the edifying of the church†."

On this authority Elizabeth instituted her Court of High Commission, in which certain civil and ecclesiastical functionaries of her own nomination were not only empowered to enforce the existing laws on the subject of religion, but to assume on all occasions indirectly, and on many occasions directly, a legislative character. It was left with these commissioners to decide on all alleged errors and offences in ecclesiastical matters; and if the power of interpreting the law must always approach very nearly to that of making it, such was particularly the case in this instance, where the judges might extend their appeal beyond the statutes of the realm, to the obscurities and subtleties of the ecclesiastical canons. The judgment of any three commissioners sufficed; and in the place of proceeding by witnesses in an open court, a power was assumed to oblige the accused to answer all questions that might be put to him, however prejudicial to his defence. On his refusal to do this, and to do it on oath, he exposed himself to imprisonment for contempt, while the effect of his compliance was generally to convict himself. This was the nature of the oath *ex officio*, so strenuously insisted on by one party, and so indignantly reprobated by another during the whole period through which the High Commission Court was allowed to exist. The law had provided that all ecclesiastical courts should be subject to prohibitions from the courts of Westminster, by which a cause might be at any time withdrawn from the cognizance of the ecclesiastical to that of the civil judge, but the commissioners seldom allowed their proceedings to be interrupted by these prohibitions. It is also to be particularly

* Neal, i. 109.

† Id. *ibid.*, 113.

remarked, that the act on which their authority was founded, large as were the powers it conferred, gave no sanction to what became the frequent practice of the commissioners—the adjudging men to fines, imprisonments, and corporeal punishments, for mere nonconformity. Such persons might be suspended from their livings, and, after warning, deprived of them; but this was the severest penalty the law had allowed the commissioners to inflict. It was natural, however, when the Court of High Commission was made to embrace all the matters usually brought within the cognizance of the bishops' courts, that its penalties and methods of proceeding should become so far secular in their character as to awaken the jealousy of the courts of law. In these courts the oath *ex officio* was declared to be against the law of nature and of the land; the imprisonments which took place by order of the commissioners were also generally held to be contrary to law; their right to enact any thing beyond the nature of bye-laws was denied; and while some questioned their authority to impose fines of any sort, all were agreed in reprobating the language which left the amount to be determined by the pleasure of the judge rather than by the estate or ability of the sufferer; nor were there wanting those who rejected the authority of the court altogether, on the ground that supposing such acts to have the sanction of the queen, it was not in the power of the sovereign to delegate the supremacy of the crown in such a manner to others.

But notwithstanding these remonstrances on the part of lawyers, and of the Puritans, the nonconforming clergy were exposed to much annoyance and suffering, by the usurpations and activity of this court; and these evils, which continued to increase under Elizabeth, became more than ever oppressive under her successor. The parliament of 1610 renewed the complaints which had often been made, and the commons sent the following bill no less than three several times to the upper house. “Forasmuch as divers inconveniences have grown and happened to your majesty's subjects of this realm of England, by the multiplicity of canons, constitutions, and ordinances ecclesiastical, heretofore made, whereof sundry, varying from the common laws and statutes of this your highness's realm, have already grown, and are likely daily to grow more grievous and burdensome to your majesty's subjects, unless some restraint and provision be made to the contrary; may it therefore please your most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same decree, that no canon, constitution, or ordinance ecclesiastical, heretofore made, constituted or ordained, shall be of any force or effect, by any means whatsoever, to impeach or hurt any person or persons, in his or their life, liberty, lands, or goods, until the same be confirmed by act of parliament.” All this was apparently without effect. But in conclusion the house proceeded so far as to pray, not only that the inquisitorial encroachments of this court might

be checked, but that the tribunal itself might be wholly abolished as "a very great grievance *."

The small measure of success which seemed to be attendant on these spirited efforts in the commons, and the persevering intolerance of the ruling churchmen, did not lessen the number or the disaffection of the Puritans. On the contrary, the sympathy which existed in their favour became more widely diffused; and while such as had separated themselves from the established church became more satisfied as to the propriety of their conduct in that particular, many who had hitherto regarded such a course as involving the guilt of schism, began to view it as the path of Christian liberty and duty. The separatists from the church of England during this reign, who adopted the leading principles of the Brownists, and gave rise to the sect afterwards so conspicuous under the name of Independents, were accustomed to speak of the established church as a mere creation of the civil power. They were no believers in the doctrine held forth by their persecutors with respect to the nature of schism, and as far as their own impressions were concerned, all the spiritual censures of the hierarchy were as empty sounds †.

But the majority of the Puritans had not yet learned to deem themselves secure against such anathemas. In their judgment the doctrines and the sacraments of the church were apostolic; it was in her discipline and ceremonies only that further reformation was needed. The doctrines and sacra-

Progress of
separation
from the Es-
tablished
Church.

The Puritans
consist of two
classes at this
time.

* Dalrymple's Memorials, i. 24, 25. Bancroft watched these proceedings in the commons with the closest attention, and laboured much to counteract them. With this view he procured the payment of a subsidy voted some time since by the Convocation, and the vote of a further supply from that quarter. To silence the demands of the Puritans for a nearer equalization of livings, and on the subject of pluralities and non-residence, the primate would have them reminded, that a more legitimate exercise of their professed zeal for the good of the church would be in a surrender of their own lay impropriations. Ibid., i. 18—27. The exiled Puritan, Dr. Ames, makes repeated allusion in his "Fresh Suit against Ceremonies," to the bold efforts of the commons during the session of 1610, in the cause of the proscribed Puritans and of general liberty. He dwells especially on the illegality of depriving the clergy on account of their nonconformity with respect to ceremonies which had never obtained the sanction of parliament, c. x. xi. Hume's account of this session is, that "the commons contented themselves with remonstrating against the proceedings of the High Commission Court." See p. 74—78 of this volume. Bancroft devised a project at this juncture for the better maintenance of the clergy, which is printed, from the copy in the State Paper Office, in the Biog. Britan., i. 468.

† Bacon ventured to address James in the following terms, on the necessity of frequent ecclesiastical reforms:—"I would ask why the civil state should be purged and restored by good and wholesome laws, made every third or fourth year in parliament assembled, devising remedies as fast as time breedeth mischief, and contrariwise the ecclesiastical state should continue upon the dregs of time, and receive no alteration now for these five and forty years and more? If any man shall object, that, if the like intermission had been used in civil causes also, the error had not been great, surely the wisdom of the kingdom hath been otherwise in experience for three hundred years space, at least. But if it be said to me, that there is a difference between civil causes and ecclesiastical, they may as well tell me that churches and chapels need no reparation, though castles and houses do." Considerations concerning the Pacification of the Church. Works, vi. 61—97.

ments of the church made her a true church, and made the act of separation from her inseparable from the guilt of schism ; but this material fact did not release her members from their obligation to seek the improvement of her discipline, and the exclusion of superstition from her worship.

There were others, however, even in this class of persons, to whom the general reasoning of the separatists appeared much more sound, and who, had the law permitted, would not have hesitated to establish separate congregations. These two parties constituted, in the language of that age, the conforming and nonconforming Puritans ; and their disputes with each other, which were sometimes conducted with much warmth, tended to enlarge their views, and to advance the great principles of religious liberty, though their enemies saw nothing in them but a source of weakness over which they never failed to rejoice.

The more moderate of these parties were accustomed to plead, that as their complaints related to such things only as they deemed contrary to the word of God, there was nothing in their conduct of the nature of schism, or at variance with a due regard to the supremacy of the crown in ecclesiastical affairs. They accordingly challenged their opponents to public discussion on the points in debate, and even on the question respecting the lawfulness of imposing religious ceremonies as matters of necessity in any case. But the court clergy, entrenched by means of the royal inclination and prerogative, and by ecclesiastical usage, were not disposed to place matters on such an issue. The clergy of several counties, particularly of Cornwall, Devon, and Lincoln, presented petitions to the king, explaining the motives of their conduct in objecting to the disputed ceremonies. The clergy of Lincolnshire commenced by professing to acknowledge the authority of the sovereign as the head of the church ; but they venture to state that there were injunctions with which, though proceeding from his majesty in this character, their consciences would not allow them to comply. They make particular mention of the lessons from the Apocrypha as said to be taken from Holy Scripture, and as more numerous in proportion than those from the canonical books ; and with respect to the reading lessons generally, they complain that the selection was by no means the most judicious that might be made, while the translation was such, that in the judgment of many learned men it often obscured, and sometimes destroyed the meaning of the original. On the subject of ceremonies, they state it to be the doctrine of the wisest men in ancient and modern times, that such as tended to idolatry or superstition should be suppressed, and they professed to see tendencies of this nature in the sign of the cross in baptism, the practice of kneeling at the sacrament, the use of the surplice, and some other matters. Many authorities are adduced in support of these statements, and the particulars enumerated are said to have occasioned much grief and suffering to the greater part of the preaching clergy through

the kingdom. The petitioners conclude their notice of these proceedings by observing, "God is the only appointer of his own worship, and condemns all human inventions, so far forth as they are made parts of it. Now all the ceremonies in question are thus imposed, for divine service is not supposed to be rightly performed without the surplice; nor baptism to be rightly administered without the cross; nor the Lord's Supper, except to such as kneel;—and therefore they are unlawful."

Such were the opinions of the more moderate Puritans, between whom and the court clergy a spirited controversy was maintained during this reign. In practice both these parties were conformists, and the only means by which it was found possible to dislodge the conforming Puritans from their place in the church, was by requiring a new act of subscription to the lawfulness and expediency of the ceremonies which had been the matters of debate. This demand was accordingly made, and it led to a further secession from the church. The ministers who now withdrew, and who did so with the greatest reluctance, were called the brethren of the second separation *.

At the same time, the Puritans, who were described as of "the rigidest sort," were not slow in publishing their opinions, and their arguments in support of them. Bradshaw, one of their leaders, was the author of a treatise on this controversy, of considerable historical value. It commences with asserting the sufficiency of scripture on all questions of faith and worship, condemning all ceremonies in religion which were not manifestly in accordance with the examples and spirit of the New Testament, and especially such as tended to superstition and idolatry. The second chapter inculcates that every assembly of Christians is a church, and that all such assemblies are the equals of each other. It also affirms the right of the people to choose their own minister, and the duty of the magistrate to see that they are not deprived of that right. It next treats of "ministers of the word," describing the pastor of a christian congregation as a functionary having in reality no superior; as bound in his official exercises by the law of the New Testament only, and as free to decline any service not agreeable to that authority, whether enjoined by the magistrate, the clergy, or the people. Elders

* The following passage will show the judgment of Bacon with regard to this course of proceeding. "He seeketh not unity but division, who exacteth that in words which men are content to yield in action. And it is true there are some, which as I am persuaded will not easily offend by inconformity, who notwithstanding make some conscience to subscribe; for they know this note of inconstancy and defection from that which they have long held shall disable them to do that good which otherwise they might do; for such is the weakness of many, that their ministry should be thereby discredited. As for the easy silencing of them, in such great scarcity of preachers, that is to punish the people and not them."—Advertisement touching the Controversies of the Church. This profound observer adds in connexion:—"I dislike that laws should not be continued, or disturbers be unpunished; but laws are likened to the grape, that being too much pressed, yield a hard and unwholesome wine. Of these things, I say, 'the wrath of man worketh not the righteousness of God.' —On the Pacification of the Church.

were to be chosen by the people from among themselves, to aid the pastor in watching over the manners of the congregation, and in the exercise of discipline ; and it was required that every minister should be separated from all secular occupation, and be capable, not only of reading publicly, but of preaching, and of leading the devotions of the people.

But while the exercise of discipline was thus placed in the hands of the pastor and elders in every church, it was carefully provided that they should not proceed against their brethren on the ground of mere suspicion, or uncertain rumour. The object in such cases was the restoration of the delinquent, and that was to be accomplished by tenderness rather than by authority. Should the offender continue impenitent, and should the offence be such as to require it, the pastor and the elders, with the consent of the congregation, were to exclude the disorderly person from their fellowship: beyond this they had no power in any instance to proceed. Should the offender be a person of high civil rank, his improper conduct with respect to religion was not to prevent his receiving all the marks of respect due to his civil station, the voluntary withdrawment of such a person from the communion being sufficient to preclude all further proceeding. The oath *ex officio*, the great instrument of discipline in the High Commission Court, is described as "most damnable and tyrannous, against the very law of nature, and devised by antichrist through the inspiration of the devil."

In the concluding chapter the author treats more fully of the topic which formed the great hinge of this controversy—the Doctrine of the Puritans respecting the province of the magistrate in regard to religion. authority of the magistrate in relation to the church. The king is said to have supreme jurisdiction over the churches in his dominions. With the sovereign it rested to appoint or remove all ecclesiastical personages above the rank of ordinary pastors. To oppose this regulation was to deny the king's supremacy, and the same offence was said to be involved in pleading for the toleration of the Catholics, so long as the pontiff should be regarded by them as possessing an authority superior to that of secular princes. But the marked limitation which always accompanied these professions of dependence on the power of the crown in religious matters was generally fatal to them, for in the issue it appeared that the obedience promised in this respect was an obedience limited to such things as should be enjoined "agreeably to the will of God," and of the things which were of that nature each man claimed the right to be sole judge in his own case. The enemies of the Puritans seized with eagerness on this exception, and failed not to describe the submission thus limited as a matter to be determined by individual caprice, rather than by the authority of the monarch.

It was with a view to roll away this reproach, and some others, that these parties presented an address to the king, entitled "A Protestation of the king's supremacy, made in the name of the afflicted ministers,

and opposed to the shameful calumniations of the prelates.” But in this document the same exception occurs with respect to things contrary to the word of God: and so long as this remained, the more distinct and emphatic statements of this paper relative to the power of the crown in some other respects would be of small avail. The intelligence, and the spirit of freedom which distinguished this party, are indicated in some measure in the following passage with which this address concluded. “Therefore all that we crave of his majesty and the state is, that, with his and their permission, it may be lawful for us to worship God according to his revealed will; and that we may not be forced to the observance of any human rites and ceremonies. We are ready to make an open confession of our faith and form of worship, and desire that we may not be obliged to worship God in corners, but that our religious and civil behaviour may be open to the observation and censure of the civil government, to whom we profess all due subjection. So long as it shall please the king and parliament to maintain the hierarchy or prelacy in this kingdom, we are content that they enjoy their state and dignity; and we will live as brethren among those ministers that acknowledge spiritual homage to their spiritual lordships, paying to them all temporal duties of tithes, &c., and joining with them in the service and worship of God, so far as we may without our own particular communicating in those human traditions which we judge unlawful! Only we pray that the prelates and their ecclesiastical officers may not be our judges, but that we may both of us stand at the bar of the civil magistrate; and that if we shall be openly vilified and slandered, it may be lawful for us, without fear of punishment, to justify ourselves to the world; and then we shall think our lives, and all that we have, too little to spend in the service of our king and country *.”

The court clergy acted on the assumption, that the only form of worship which should be tolerated in the land was that which had been provided, and provided even to its minutest particular, by royal authority. The great body of the Puritans demurred to the necessity of this scrupulous uniformity, and pleaded earnestly that certain things not affecting the essentials of religion, or of religious worship, should be left to the option of every minister and congregation, or, in the language of the time, *should be left indifferent* †. This is the course

* Neal, ii. 47—62.

† The early opponents of the Puritans were content to describe the disputed ceremonies as “indifferent;” their successors learnt to insist on them as necessary. On the other hand, the older Puritans limited their complaints to matters of ceremony, but their successors became in many instances foes to the hierarchy, and strenuous advocates for a Presbyterian platform of polity, so that there came to be “almost as great a distance of either side from itself, as was at first of one from the other.” Bacon, who describes and laments this progress of the dispute, adds concerning such things as the cap and surplice:—“Since they be in their nature indifferent, and yet by some held superstitious, it seems to fall within the apostles’ rule, which is, that the stronger do descend and yield to the weaker; only the

which Lord Bacon had ventured to recommend to the monarch some years since. "It is good," said that far-sighted man, "that we return to the ancient bounds of unity in the Church of God, which was one faith, one baptism, and not one hierarchy, one discipline; and that we observe the league of Christians, as it is penned by our Saviour; which is in substance of doctrine this:—'He that is not with us is against us;' but in things indifferent and only of circumstance, 'He that is not against us is with us*.'" ..

But such was not the judgment of the monarch, nor of Bancroft, who in these things was his principal adviser. During the first seven years of this reign, the sovereign and the primate spared no exercise of their power in the hope of completing the destruction of Puritanism. At the close of this period, however, the advocates of the Puritans in parliament had increased in numbers and boldness; and the evil of non-conformity, which it was found expedient to tolerate in some instances within the pale of the church, manifested itself more frequently beyond that circle, and in a temper increasingly hostile to any compromise with the pretensions of the hierarchy.

It was at this juncture that the life of Bancroft, which had been one of ceaseless activity, reached its close. Abbot, bishop of London, became his successor, through the influence of the earl of Dunbar with the sovereign. The ruling passion of Bancroft had always been a hatred of the Puritans: his successor saw more to fear in the Catholics than in any class of Protestants. Clarendon describes the death of the former as "never enough to be lamented," and complains of the latter, that "he inquired but little after the strict observ-

difference is, that it may be materially said, that the rule holdeth between private man and private man, but not between the conscience of a private man and the order of a church. But yet, since the question at this time is of a toleration, not by connivance, which may encourage disobedience, but by law, which may give a liberty; it is good again to be advised whether it fall not within the equity of the former rule. For, howsoever politic considerations and reasons of state may require uniformity, yet Christian and divine grounds look chiefly upon unity of faith."—On the Pacification of the Church.

* Works, viii. 69. This writer has shown, in the papers more than once cited by us, that the opinions and conduct of the Puritans were most grossly misrepresented by their opponents, and that there were occasions in which the zeal of the latter was more conspicuous than their candour or their accuracy. Strype will not be suspected of any want of friendliness toward the ruling clergy—but the following description of the state of the Anglican church under Elizabeth is from the pen of that writer. "The churchmen heaped up many benefices upon themselves, and resided upon none, neglecting their cures; many of them alienated their lands, made unreasonable leases, and waste of their woods; granted reversions and advowsons to their wives and children, or to others for their use." As the effect, "Churches ran greatly into dilapidations and decays, and were kept nasty and filthy, and indecent for God's worship. Among the laity there was little devotion. The Lord's day was greatly profaned, and little observed. The common prayers not frequented. Some lived without any service of God at all. Many were Heathens and Atheists. Which things made good men fear some sad judgments impending over the nation." Life of Parker, p. 395. It was this state of things which taught Bacon, and the wise men about Elizabeth, so much to deplore the silencing of the Puritan ministers, who were almost the only preachers.

ance of the discipline of the Church, or conformity to the articles or canons established ; but if men prudently forbore a reviling at the hierarchy and ecclesiastical government, they were secure from any inquisition from him, and were equally preferred*.” The new primate did not hesitate to license the writings of the Puritans within certain limits, and there were individuals of that party who were admitted openly to his friendship. The effect of this altered policy is said to have been the increase of puritanism--it is certain that from this time it was less a matter of concealment.†

It was in the year of Abbot's elevation to the see of Canterbury that our present translation of the scriptures was completed. This important undertaking owed its origin to the com-plaints of the Puritans at Hampton Court. During five years, more than forty of the most learned men in both uni-versities were employed in this labour, and the result was not only an improved rendering of many passages, but the production of an acknowledged standard of the English tongue, which may be said to have formed an epoch in the history of our language and literature. Care was no doubt exercised that the version of certain texts should be as little popish or puritanical as possible, and the lights of biblical criticism in general were then comparatively few and imperfect, but whatever it was reasonable to expect from the character and circumstances of the translators was accomplished ‡.

New transla-
tion of the
Scriptures
completed.

While the sacred scriptures were thus placed in the hands of the people, there were not wanting instances in which the exercise of private judgment as to their meaning was visited with severe penalties, even with death. Bartholomew Legate and Edward Wightman were committed to the flames, the former in London, the latter in Lichfield, as persons who denied the trinity, and held other heterodox opinions. Legate was a man of capacity, and of a blameless life ; Wightman was a visionary, who should have been placed in the hands of a keeper rather than in those of an executioner.

Legate and
Wightman
put to death on
a charge of
heresy.

* Hist. i. 156, 157.

† Ibid. i, 167. Among the puritan clergy forced into exile by the intolerance of Bancroft was Dr. Ames, who was chosen by the English Church at the Hague as their pastor. James instructed Abbot to write to the English ambassador requiring that so obnoxious a person should be removed, “as privately and cleanly” as might be from a station of so much importance. The new primate states that the manner in which Ames had expressed himself concerning the state and church of England would have brought upon him “exemplary punishment” in this country. It was ascertained also that there were certain preachers of the same class in Zealand, respecting whom a similar “remedy” was to be provided in convenient time. Winwood iii. 346. This is not the only document showing that the tolerant spirit of Abbot with regard to the Puritans was by no means so considerable as the language of Clarendon, and of nonconformist writers, would lead us to suppose. Dr. Ames was educated at Cambridge, and died professor of divinity in the university of Franeker. His works show him to have been a man of sound understanding and high moral culture, and a scholar of various and even elegant attainments.

‡ Collier's Eccles. Hist. ii. 692—694 Lewis's History of Translation, *passim*.

The people manifested their sympathy with the sufferers, and the government perceiving that such barbarous exhibitions could be no longer politic, abstained from executing a similar sentence passed on two other persons charged with similar offences. It was not, however, until after the Restoration that the law which doomed heretics to be burnt was erased from our statute-book*.

From this period the conduct of the government in relation to the Church presents little worthy of notice, except the proclamation of the monarch as to the observance of the Lord's day; and the ecclesiastical regulations subsequently issued with respect to the tenets of Arminius and the king's prerogative.

The puritan clergy, and such of the magistrates as were attached to The Book of their doctrine, had employed themselves for some time in Sports.

enforcing a more religious observance of the sabbath. Their success over a great part of the kingdom was such as to attract the notice of the court; and on the pretence that the Catholics had taken occasion from such conduct to censure the reformed faith as being gloomy and unsocial; and that the people might not be deprived of their proper season for recreation, James announced by proclamation, that when divine service had closed, persons should not "be disturbed, letted, or dis-

May 24, 1618. couraged from any lawful recreations, such as dancing, either of men or women, archery for men, leaping, vaulting, or any such harmless recreations, nor having of May games, Whitsun-ales, or morris-dances, or setting up of Maypoles, or other sports therewith used, so as the same may be had in due and convenient time, without impediment or let of divine service; and that women should have leave to carry rushes to the church, for the decorating of it according to old custom."

These sports are enumerated as *lawful*;—among the unlawful were bear-baiting and bull-baiting, and interludes and bowling are noticed as to be at no time the exercise of "the meanest sort." No man was to be admitted to these sports in the evening, who had not attended the whole service at his parish church in the morning. The effect of this royal licence was to render the king still more unpopular, and to extend and embitter the existing dissensions on the matters of religion generally†.

* A True Relation, &c. at the end of Truth brought to Light. The memorable John Hales of Kton, in a sermon delivered at St. Paul's cross during this reign, observed, "I could wish that it might be said of the Church, as was sometimes observed of Augustus,—He had been angry with, and severely punished many of his kin, but he could never endure to cut any of them off by death." And he adds—"The crown of martyrdom sets not only on the head of those who have lost their lives, rather than they would cease to profess the name of Christ, but on the head of every one who suffers for a good conscience".—Works, i. 71, 98.

† Collier, Eccles. Hist. ii. 711. 712. So far were the gloomy excesses, as they were called, of the Puritans from being lessened by this proceeding, that in the parliament assembled two years later, a member who presumed to vindicate these sabbath sports was expelled the lower house, his offence being described as "exorbitant and unparalleled." The lords did not sympathize with the commons on this matter, and pro-

The same may be said of those new ecclesiastical regulations to which reference has been made. A puritan divine had ventured to affirm before the university of Oxford, that resistance to a sovereign should not be indiscriminately branded as necessarily unlawful, particularly if the power of the monarch should be employed so as to endanger the property or the lives of subjects, to deprive them of liberty of conscience, to lay on them intolerable burdens, to oblige their assent to blasphemous opinions, or their concurrence with idolatrous practices. These statements were pronounced highly dangerous, and the preacher was commanded to state on what authority he had dared to give publicity to such tenets. His answer was that such were the statements of the celebrated divine Pareus in his commentary on the epistle to the Romans; but that his chief authority was derived from the conduct of the king of England himself, who had not scrupled to aid the people of Rochelle in opposing the tyrannical measures to which their prince would have subjected them. This attempt of the preacher to vindicate himself, by an impeachment of the monarch, was deemed an aggravation of his offence. He was accordingly thrown into prison; the commentary of Pareus was publicly burnt in London, and Oxford; and the University, in full convocation, vindicated its purity by declaring it to be unlawful for subjects to take arms against their prince under any pretence whatsoever. Every graduate was called upon to swear assent to this doctrine, and not only so, but to swear that this should be his political creed to the end of his days. By a royal edict, preachers of every degree were interdicted from attempting "to declare, limit, or set bounds to the prerogative, power, or jurisdiction of princes*."

Passive obedience inculcated by the University of Oxford and by the king, 1622.

In connexion with this article of instruction was another which betrayed the entire change that a few years had produced in the mind of the English monarch on some important topics of Christian theology. It now became manifest that James was no longer a Calvinist, and the theological creed of the Genevan reformer was, from this time, a mark of puritanism, hardly less obnoxious to the court than the old objections with regard to discipline and modes of worship.

Calvinistic tenets discountenanced at court.

It is to this course of affairs that we must trace the rise of the party bearing the name of *doctrinal* Puritans—men who were distinguished from the court clergy principally as being Calvinists. About three years since, the synod of Dort had

Rise of the doctrinal Puritans.

posed that the day should not henceforth be called the sabbath, as among the ancient Jews, but the Lord's day.—Journals, Feb. 15, 16, 1620. May 28, 1621. Kennet, 709. The spirit of the Puritans in relation to this matter may have needed some correction, but the good resulting from it was assuredly far greater than the evil, and there can be but one opinion as to the manner of opposing it which their enemies were pleased to adopt.

* Neal, ii. 115—116.

been convened, and James instructed his delegates in that assembly to confirm its decrees in all points, as far as they were condemnatory of the creed of Arminius. But zeal against the doctrine as well as the discipline of Calvin now became an indispensable preliminary to preferment in the Anglican church. It was this change which made way for the elevation of such men as Neile and Laud.

It has been intimated that besides the Puritans, whose object was the reformation of the church, rather than separation from it, there were persons, both in this and the preceding reign, who were opposed to the principles from which every state-church must derive its existence. In fact, this extreme religious party, as it was then considered, which became known during the reign of Elizabeth by the name of Brownists, had made its appearance so early as the time of Edward VI., though we possess little information respecting it until some twenty or thirty years later. It was not until toward the middle of the reign of Elizabeth that the principles of these people became defined and understood*.

The leading doctrine of this sect was, that every properly-constituted church is a strictly voluntary association, instituted for purely religious purposes, and regulated by laws and sanctions altogether religious. Its members should be limited, it was maintained, to persons making a credible profession of the christian faith, while its proceedings, as being moral and religious only, should be exempt from any control of the civil magistrate on the one hand, or of the secular power committed to the ruling clergy on the other. To the magistrate these persons professed to look for security from any civil wrong on account of their religious opinions and practices, so long as these were not maintained in a manner inconsistent with what was incumbent upon them with regard to civil society. From the bearer of the civil sword they sought nothing beyond this amount of protection, and to be freed from all subjection to the jurisdiction of the prelates was their great solicitude. The persons who officiated as their teachers and pastors were chosen from among themselves, as were the deacons or elders who were intrusted with the management of the small pecuniary affairs of their little commonwealth. They abandoned the use of forms of prayer. Brotherly reproof, or exclusion from communion in the case of the irreclaimable, were their only church censures. The sacred scriptures were their sufficient rule of faith or practice, and they professed themselves always ready to show that their peculiarities were those which had distinguished the early disciples of the gospel, that they were adapted to every conceivable state of the church on earth, and sanctioned in all material points by the recorded example of inspired men, by their direct statements, or by the manifest genius of christianity.

* Wilson's History of Dissenting Churches, vol. i. *passim*, and Neal, i. *passim*.

Such were the general principles of the Brownists—principles which taught them to affirm, that the connexion of the ecclesiastical hierarchy with the state, and the many laws and usages which gave to it so much of a secular character, were contrary to holy scripture. But in describing the established church as removed in many respects from the standard of a pure christianity, these injured sectaries were far from meaning to say—as their enemies were pleased to represent—that the members of that church were not to be regarded as Christians*.

Their opinion
respecting the
Church of
England.

With this charge of uncharitableness, that of disloyalty was commonly associated, and on a ground partaking of the same disingenuousness. This latter charge, however, was one frequently preferred in these times, not only against the Catholics, and against the sectaries, but against every class of Puritans; the occasion of which was, that both Elizabeth and James regarded the ecclesiastical power of the crown as the most important branch of their authority—and both accordingly were used to insist on obedience to their ecclesiastical regulations, no less than to the statutes of the realm; the man who should refuse to acknowledge the king as the head of the church being in truth as much a traitor as the man who would depose him from the sovereignty of the state. But to this ecclesiastical treason, if we may use the expression, the tenets of all the parties now mentioned constantly led them, for a principle of divided allegiance had its place in them all. Each party in its own form and measure gave “to Cæsar the things that are Cæsar’s, and to God the things that are God’s;” obeying the king in civil matters, but having their own views as to the extent in which his authority should be acknowledged with respect to matters of religion. The Catholic spoke of a power distinct from that of the monarch, and superior to it, as residing in the pontiff, or in the Catholic church; while the Puritan and the Brownist recognized their supreme authority in the scriptures. But this partial allegiance to the ecclesiastical sovereignty, which the crown had assumed, was deemed as much a delinquency as a partial obedience to its civil authority would have been. It was, in the language of James, to give the body only to the prince, the soul to another. It was

Their loyalty.

* On this point, one of their leaders in replying to an opponent says, “The next calumny whereby Mr. Gifford endeavoureth to bring us into hatred with the whole land is—that we condemn all the persons, both men and women of England, which are not of our mind, and pluck them up as tares. Wherein, methinks, he doth us open wrong, if not against his own conscience, yet against our express writings everywhere. Have we not commended the faith of the English martyrs, and deemed them saved, notwithstanding the false offices and great corruptions in the worship they exercised; not doubting but the mercy of God, through their sincere faith in Jesus Christ, extended and superabounded above all their sins seen and unseen? And what now should let that we should not have the same hope, when the same precious faith in sincerity and simplicity is found.” This is the language of Barrow, who was so much a leader among these people that during the age of Elizabeth they were called indifferently Barrowists and Brownists.—See *An Apologie and Defense of such true Christians as are commonly, but unjustly, called Brownists*. 1604. p. 96.

in vain therefore that the Brownist and the Puritan repeated their elaborate professions of submission to the throne in all civil affairs;—not to profess the creed or to observe the discipline enjoined by the law, or, in many cases, by the clergy, or the ecclesiastical commissioners only, was to proclaim hostility to the most favoured branch of the king's prerogative, and to incur the reproach of disloyalty. It is in this ambition to rule the minds, no less than the bodies of men, that we have the secret of the zeal so often manifested in favour of the most trivial things connected with religion. It is not in reality about such things, considered in themselves, that the solicitude evinced is cherished, but about the right to give law on the momentous class of matters to which such things belong.

On this subject, a clear view of which is strictly necessary to a just conception of English history during this period, the Brownists, writing from their place of exile in the Netherlands, express themselves in terms the most distinct. But their professions were of small effect in lessening their sufferings; and the facts just now adverted to make us acquainted with the circumstances and feelings which led to their being treated with so much severity*.

The small religious societies who separated themselves from the established church in the reign of Mary, and during the
 Notice of Robert Brown. early part of the reign of Elizabeth, appear to have existed without bearing any peculiar designation. It was in 1580 that the zeal of Robert Brown served to place him so prominently in connexion with these separatists, as to confer on them the name by which they were generally known for some time afterwards. Brown was descended from an old and respectable family in Rutlandshire, and was nearly related to Cecil, the lord treasurer. In Cambridge, where he received his education, he became popular as a preacher, and still more so in Norwich, to which place he removed in 1581. Here his invectives against the established church made it expedient that he should consult his safety by leaving the country. In Zealand, his place of exile, where he not only obtained disciples, but formed them into a church, Brown published a treatise on Reformation, which called upon the dissatisfied religionists of England to act on their own prin-

* "First," they say, "we desire thee, good reader, to understand and mind that we have not in any dislike of the civil estate in that commonwealth England, which we much like and love, separated ourselves from that church. Neither have we shaken off our allegiance and dutiful obedience to our sovereign princess Elizabeth, her honourable counsellors, and other magistrates set over us, but have always, and still do reverence, love, and obey them every one in the Lord, opposing ourselves against all enemies foreign or domestic, against all invasions, insurrections, treasons, or conspiracies, by whomsoever intended against her majesty and the state, and are ready to adventure our lives in their defence, if need require. Neither have our greatest adversaries ever been able to attain us of the least disloyalty in this regard. And although now we be exiled, yet do we daily pray, and will, for the preservation, peace, and prosperity of her majesty and all her dominions." *Apologie and Defense.* Pref. vii.

ciples, without waiting for any sanction from the magistrate. In 1585 the new apostle resumed his labours in this country, and his zeal lasted until 1590, when he accepted a living, and spent the remaining forty years of his life in contempt and disgrace. With all his zeal it is very doubtful whether he ever possessed any true feeling of religion, and the separatists with whom he connected himself learnt to protest against being called by his name; their enemies however, from whom they received it, persisted in the use of it, and evidently for the purpose of identifying the follies and the vices of the individual with the community so designated *.

Several leaders of this sect were put to death as traitors, purely on account of their opposition to the ecclesiastical supremacy of the crown, and many died in prisons; but in 1592 it was supposed, that if search were made, it would be found that the land contained not less than twenty thousand men, exclusive of their families, who had embraced these doctrines. From this period, to the close of Elizabeth's reign, concealment or exile afforded the only means of safety to these persons; and it is to the zeal and learning of the exiles in 1596 that we are indebted for that confession of their faith which presents the best exposition of their doctrine, and the best defence of their conduct. "It may seem strange to thee, Christian reader," say they, "that any of the English nation should be forced to forsake their native country, and live in exile, for the truth of the Gospel, especially in these days when the Gospel seems to have free passage, and to flourish in that land. And for this cause has our exile been hardly thought of by many, and evil spoken of by some, who know not, as it seems, either the true state of the church of England, or our causes of forsaking or separating from the same; but hearing this sect, as they call it, to be every where spoken against, have, without further search, accounted and divulged us as heretics, or schismatics at the least. Yea, some, and such as least might, have sought the increase of our afflictions, even here, both secretly and openly. This hath Satan added unto all our former sorrows, envying that we should have rest in any part of the inhabited world; and though we could, for our parts, well have borne this rebuke of Christ in silence, and have left our cause to him who judgeth justly all the children of men, yet for the manifestation and clearing of the truth of God from reproach, and for the bringing of others, together with ourselves, to the knowledge and fellowship of the Gospel, we have thought it needful, and our duty, to make known to the world our unfeigned faith in God, and loyal obedience toward our prince, and all governors set over us in the Lord, together with the reason of our leaving the ministry, worship, and church of England."

Number of
the Brownists.

Their confession of faith—and vindication of their conduct.

* Wilson's History of Dissenting Churches, i. 14—16. Life of Ainsworth prefixed to his two Treatises. Ed. 1789.

It was further stated, that so far from allowing trivial things to produce their separation from the English church, it was to the principles on which that church was founded that their objections referred*. Complaint is next made that the prayer-book should have been so little different from the mass-book; that the greater part of the parochial clergy were so scandalously incompetent both as teachers and examples to the people; and that good men were obliged to attend their parish church whatever might be the character of its minister, and to receive the sacrament from his hands at least twice a year on pain of excommunication and imprisonments. "Thus thou seest briefly, good Christian reader, the things which we mislike in the Church of England, for which we have separated ourselves as God commandeth. To all these, if we were among them, should we be forced to submit our bodies and souls, or else suffer violence at the hands of the prelates, and end our lives by a violent death, or by the miseries of imprisonment, as many of our brethren before us have done. How many souls have perished in their prisons through miserable usage; how many have been put to death; and how many banished, though we could to their eternal infamy relate to all the world, yet will we not blaze abroad their acts, (for we take no delight in laying open their shame,) but mourn for them in secret, committing our cause to God that judgeth justly, knowing that he which maketh inquisition for blood remembereth it, and will not forget the complaint of the poor. And thou, Christian reader, vouchsafe to remember before God in thy prayers such as yet remain in

* "First," they observe, "in the planting and constituting of that church, at the beginning of queen Elizabeth's reign, they received at once, as members, the whole land, which then generally stood for the most part professed Papists, who had revolted from the profession which they made in the days of king Edward, of happy memory, and shed the blood of many Christian martyrs in the days of queen Mary. The people, yet standing in this sinful state, in idolatry, blindness, superstition, and all manner of wickedness, without any professed repentance, and without the means thereof, viz. the preaching of the word going before, were by the force and authority of law compelled and together received into the bosom and body of the church; their seed baptized, themselves compelled to take the Lord's Supper, having this ministry and service which they now use set over them, and ever since they and their seed remain in this state, being all but one body, commonly called the church of England. There are none exempt or excluded, be they never so profane or wretched. Now let the law of God be looked into, and it will be found that such persons are not fit stones for the Lord's spiritual house; no meet members for Christ's glorious body. None of years may be received into the church without professed faith, repentance, and submission unto the Gospel of Christ and his heavenly ordinances. Neither may any continue therein longer than they bring forth the fruits of faith, walking as becoming the Gospel of Christ. Christ Jesus hath called and severed his servants out of and from the world. How then should this confused and mixed people be esteemed the orderly gathered, truly planted, and rightly constituted church of God?

¶ "Secondly, as they have received the whole route of the Popish multitude, without any distinction, for members of their church, so have they set over them, as reason was, the same Popish clergy and prelacy which they received from the Romish apostacy, and which is this day to be found in Popish churches,—these have both ecclesiastical and civil authority to reign as princes in the church, and live as lords in the commonwealth, to punish, imprison, and persecute, even to death, all that dare but once mutter against their unlawful proceedings."

bonds or in prison amongst them for the testimony of Jesus, enduring a hard fight of afflictions, and, having the sentence of death in themselves, are like, if the Lord send not unexpected deliverance, there to end their days. Concerning ourselves, who through the mercy of God have found a place of rest in this land, for which we are always and every where humbly thankful, we desire thy charitable and Christian opinion of us, and holy prayers unto God for us, whose kingdom we seek, whose ordinances we desire to establish and obey, protesting, with good consciences, that it is the truth of his Gospel only for which we strive against those cursed relics of Antichristian apostasy unto which we dare in no wise submit ourselves—no not for a moment. For if it be not lawful for Christians at this day to retain the ceremonies of Moses with the Gospel, as the passover, circumcision, the priesthood and sacrifices, which yet were once commanded by God himself, how can we think it tolerable to observe the odious ceremonies of Antichrist, or submit ourselves to his laws, priesthood, hierarchy, and traditions, which the Lord never allowed, which never entered into his heart—yea, which he hath so severely forbidden?”

These extracts will not be deemed uninformative if it be borne in mind that the reasoning and opinions which they exhibit are in substance those of the principal sects during the time of the civil war and the commonwealth, and of the greater portion of dissenters from our Established Church to the present day. These passages are also valuable as affording just views of the peculiarities of a people concerning whom little is recorded by our historians, and who, while they were to exert a powerful influence on the complexion of English history in the next age, have been subject to every sort of misrepresentation. Religious sects have often made their appearance and passed away without producing any impression on their own or future times. But such was not the case with these parties. It was in 1598 that they first published this “Defence,” and it was republished in 1604 in a translation from its original Latin, and addressed to the divines of Oxford and Cambridge, in answer to some recent censures made public by that body. It is a document which in itself is sufficient to show that the people whose views it represents were by no means so unlettered as they are often said to have been. Ainsworth and Canne—names still honoured by biblical students—were among their instructors.

Most of these exiles fixed their residence, during the early part of the reign of James, in Amsterdam. Here, they were weakened by divisions. In the year 1609 another Church was formed at Leyden by the labours of Mr. John Robinson, a clergyman who, after resigning a benefice near Yarmouth, and exercising his ministry in secret for some years in that city and its neighbourhood, found himself compelled to abandon his country. Robinson had been pastor of the Church at Leyden twelve

Some of the exiled Brownists transport themselves to America. A. D. 1620.

years, when a great part of his flock resolved on transporting themselves to English America, in the hope of giving perpetuity to their principles in that country, and of forming an asylum there to which the persecuted in England might at any time escape. Two vessels were procured to bear the exiles and their stores to the place of their destination, and some English merchants became adventurers in the project. The new colonists amounted to about one hundred and twenty persons, and after receiving much valuable advice, and the tenderest expressions of regard from the lips of their pastor, and having spent a whole night in prayer, they committed themselves to their voyage. Robinson, and such of the Church as remained, knelt on the beach, and, as their former companions passed over the distant waters, commended them, with a fervour which such circumstances only could have produced, to Him who in his time will "execute righteousness and judgment for all that are oppressed."

Robinson died in 1626, in the fiftieth year of his age. He was a man of solid learning, of excellent judgment, and, though a great sufferer from persecution, which not unfrequently gives a turbulence and severity to the best regulated minds, he lived and died beloved as much for his amiableness, as he was respected for his integrity. Some of the most learned men in the university of Leyden received him to their friendship, and appeared, with many of the Dutch clergy, as attendants at his funeral *.

* In his parting address to those who became pilgrim-fathers in the New World, this excellent man lamented that Protestants in general so little understood their principles, the Lutherans halting with Luther, and the Calvinists with Calvin. "This," he proceeds to say, "is a misery much to be lamented, for though they were burning and shining lights in their times, yet they penetrated not into the whole counsel of God, but were they now living would be as willing to embrace farther light as that which they first received. I beseech you remember it is an article of your Church covenant, that you be ready to receive whatever truth shall be made known to you from the written word of God. But I must herewithal exhort you to take care what you receive as truth; for it is not possible the Christian world should come so lately out of such thick Antichristian darkness, and that perfection of knowledge should break forth at once." Neal, ii. 111. This complete independence of authority may be safely trusted when accompanied with so much good sense and reflexion. It is to be regretted that there were instances in which the settlers in the New World failed to imbibe the whole of this spirit; but when some exceptions are made, the candid mind will see a picture of no ordinary interest in the history of these devout colonists during some forty or fifty years from the earliest emigration. "The circumstances of the settlement," says an American writer, "were favourable to the growth of piety. The voyages of the emigrants were conducted essentially as religious expeditions. Remarkable deliverances were often experienced. A solemn and inward sense of a protecting Providence was a striking characteristic of the fathers. When they landed on these shores, the loneliness which they felt, the longing for the 'loved and left behind,' to which some of them were not strangers, the landing on an unknown continent three thousand miles from home, the artificial and the real terrors of savage life by which they were surrounded, the threatened withdrawal of chartered rights by the parent government—all these things tended to develop a solemn and peculiar piety. Like the outcast primitive Christians, the sense of danger made them cling to their own families, and churches, and God." American Biblical Repository, No. XIX. 211.

Such was the character of the man to whom the Independents of a later period were accustomed to look as to their father:—but it was his disciple Mr. Henry Jacob who gave existence to the first church of this description in England. This was in the year 1616. In that year the persons forming this society ventured to petition the King for a toleration of their worship, and a document was published containing a statement and defence of their principles; but from this period to the commencement of the civil wars, these professors were indebted for their safety to the secrecy of their movements and to the unsettled nature of public affairs*.

CHAPTER X.

Rivalry of Coke and Bacon—Case of Peacham, of Owen, and in the Court of Chancery—Dispute concerning proceedings in the King's Bench—Coke suspended from his office—Fall of Bacon—Parliament of 1621—Case of the Elector Palatine—Conduct and Opinions of the king in regard to him—Proceedings in Parliament—Question of the Imprisonment of Members—and of Monopolies—Impeachment of Mompesson and Mitchell—Conduct of Buckingham with regard to Yelverton, and the Earls of Dorset and Southampton—Question of imposing Taxes without consent of Parliament—Parliament adjourned—Great excitement—Parliament reassembled—Dispute between James and the Commons respecting the Privileges of Parliament—Protest of the Commons on that subject—Parliament dissolved—Object of the king in such proceedings—Imprisonment of Members—Popular discontents.

BEFORE proceeding to the history of the parliament assembled in 1621, it will be proper to direct our attention to the character ^{Rivalry of} and labours of Bacon and Coke—the lives of these dis- ^{Coke and} tinguished men being intimately connected with the des- ^{Bacon.} tiny of their country. James conferred the office of attorney-general on Sir Francis Bacon, and that of chief justice on Sir Edward Coke; and it soon became manifest that these persons were the rivals of each other. Coke was a lawyer, and nothing more, but a lawyer whose erudition, energy, and patriotism soon raised him to the head of his profession, and long sustained him there. The genius of Bacon was successfully directed to the one object which formed the exclusive matter of attention with his rival, but his mind embraced the vast circle of general learning, and while altogether unequalled in that spirit of philosophy which he brought to the several departments of general knowledge, he possessed an urbanity, and a courtliness of temper and

* Neal's Hist. of New England, *ubi supra*. Hist. of the Puritans, ii. 110—112.

address, which gave him a great advantage over the chief justice, whose conduct, both as a lawyer and a senator, and in public and private life, was rather characterized as lofty and unbending. But while the more penetrating and comprehensive intellect was on the side of Bacon, there was in Coke a more steady adherence to conventional justice, and his general conduct, during the more advanced period of his life, must be allowed to bespeak a more generous regard to the honour and welfare of his country. There was scarcely any sort of abasement in the way to promotion in public life to which the former could not descend, but this is much more than can be affirmed of the latter. Bacon no doubt possessed the disposition to serve his country and mankind, but, unhappily, his selfish passions were too frequently the strongest. Instances there may have been in which this was the case with his rival, but these, upon the whole, were the exceptions, not the rule.

Among Bacon's papers we have one which gives an account of the manner in which the enmity between himself and Coke had, upon one remarkable occasion, broken forth. The dispute arose in the Court of Exchequer, and was carried on before the strangers and others who were present. "Mr. Attorney kindled and said, 'Mr. Bacon, if you have any wrath against me, pluck it out; for it will do you more hurt than all the teeth in your head will do you good.' I answered coldly in these very words: 'Mr. Attorney, I respect you; I fear you not; and the less you speak of your own greatness the more I will think of it.' He replied, 'I think scorn to stand upon terms of greatness towards you who are less than little; less than the least;' and other such strange light terms he gave me, with that insulting which cannot be expressed. Herewith stirred, yet I said no more than this: 'Mr. Attorney, do not depress me so far; for I have been your better, and may be again when it please the queen.' With this, he spake neither I nor himself could tell what, as if he had been attorney-general; and in the end bade me not meddle with the queen's business but with mine own, and that I was unsworn, &c. I told him, 'Sworn or unsworn was all one to an honest man, and that I ever set my service first and myself second, and wished to God that he would do the like.' Then he said, 'It were good to clap a *cap. utlagatum* upon my back.' To which I only said he could not, and that he was at fault, for he hunted upon an old scent. He gave me a number of disgraceful words besides, which I answered with silence, and showing that I was not moved with them*."

This violent altercation is in part explained by the circumstance, that the declining health of the lord chancellor Ellsmere for some time past had made it almost certain that his seat would soon be vacant; and to become his successor, which had been an object of ambition with Coke, had also been the anxious hope of Bacon. On the death of Ellsmere,

* Works, vii. 338, 339.

the scale of court favour turned in favour of Bacon. Why this preference was shown it is not difficult to discover. The new chancellor had sought his elevation by the usual arts of courtly servility, and might well be regarded by the king and the court as little likely to oppose himself to their wishes. Coke, on the other hand, had frequently acted with a degree of rough independence, and in instances which had proved very unacceptable to the king.

On the abrupt dissolution of the last parliament, the government, as matter of necessity, directed its attention to a number of expedients for raising money. One of these schemes was a benevolence, which was to be extended from the court and the nobility, to the gentry, and to all persons of considerable substance through the kingdom. Coke described the project as illegal, and though afterwards he was induced to concur in a different opinion, all men regarded his first decision as properly his own; and his first judgment being much talked about, it was thought to have operated not a little to the injury of a proceeding on which the king and his ministers had thrown themselves as their principal resource. This attempt to raise money without consent of parliament,—a policy which Coke in his later and better days again opposed,—was resisted and censured at this time by Mr. Oliver St. John, whose patriotic conduct exposed him to a sentence in the Star-chamber, which required him to pay a fine of 5000*l*.* But, notwithstanding such examples, the voluntary contributions from the country proved to be very small on this occasion, and it was not unnatural that the enemies of the chief justice should impute much of this failure to his conduct.

Connected with the vexation arising from this source was the resentment of the court on account of the decision of the chief justice in the case of Peacham, a Puritan minister whom the king was desirous should be convicted of treason. A Case of Peacham. 1614. manuscript sermon was found in the study of this clergyman containing some severe censures on the court and the government. It did not appear that this sermon had been preached, or that it was intended to be preached, and it was not possible to convert the mere possession of such a document into an act of treason. But it was resolved that every attempt should be made to ascertain whether that act had not been connected with others, or with other parties, so as to furnish some more adequate ground for prosecution. Peacham was sixty years of age, and, at the command of the sovereign, was examined “before torture, in torture, between torture, and after torture,” but all without effect. James, having violated law and humanity in vain, now insisted that the act of composing such a paper was itself treasonable. The chief justice contended that this act could not amount to more than defamation, and he moreover protested against the separate and verbal applications that were made to the judges on the question, as being contrary to law,

* Howell's State Trials, ii. 889.

usage, and justice. The passions of the king became more than ever influenced by this opposition. "If judges," he writes, "will needs trust better the bare negative of an infamous delinquent without expressing what other end he could probably have, than all probabilities, or rather infallible consequences, upon the other part, caring more for the safety of such a monster than the preservation of a crown in all ages following, whereupon depend the lives of many millions; happy then are all desperate and seditious knaves, but the fortune of this crown is more than miserable*." In the issue Peacham was condemned as a traitor, but it was deemed less odious that he should be suffered to die in prison, than that he should be brought to the scaffold†.

In the same year a prosecution was instituted against one Owen, a Catholic, who was charged with having affirmed that a king, excommunicated by the pope, might be lawfully deposed, and even put to death by any one. The defendant pleaded that in England this affirmation could not be interpreted as treasonable, inasmuch as the king, though a Protestant, had not been excommunicated, and could not in consequence be endangered by it. Coke at first admitted the justice of this reasoning, and in so doing placed himself again at issue both with the king and the judges‡.

About the same time there were proceedings in the Court of Chancery, which became the occasion of further trouble to the chief justice. The province of that court was to decide on questions in relation to property which it was supposed had not been sufficiently provided for in the courts of law. Hence it acted more as an arbitrator than as a judge, and its forms of proceeding were in a great measure undefined and peculiar; but, as less bound by statutes and precedents than the regular courts, there was more danger of its jurisdiction being extended beyond wholesome limits, particularly as the chancellor was a member of the government, and the government was constantly manifesting a disposition toward encroachment. Coke had always shown a great solicitude for the honour of the common law; and in watching the proceedings of the Court of Chancery, and endeavouring to keep them within narrow bounds, he was acting consistently with those principles by which his general conduct was known to have been long regulated. It happened at this juncture that a judgment of the King's Bench was questioned in the Court of Chancery as having been obtained by fraud, and the party was required to answer certain questions on oath, according to the course of the Chancery. Coke maintained that this proceeding was a violation of the statute of *premunire*, which especially prohibited the removal of causes from the king's court to any other. It would have been difficult perhaps to have sustained this allo-

* Dalrymple's Memorials, i. 54—55.

† State Trials, ii. 870—879. Bacon's Works, v. 336, vi. 78, 87.

‡ State Trials, ii. 879—893.

gation, as the prohibition of the statute adverted to had respect to the spiritual courts only, and especially to that of the pontiff. But whatever may have been the merit of this dispute, James, acting on his usual policy, approved the conduct of the chancellor, and Coke was made sensible that he had given still further umbrage to the sovereign.

Another proceeding in the court of King's Bench led to a similar result. This was a cause wherein the validity of a particular grant of a benefice to a bishop to be held *in commendam*, that is, along with his bishopric, came into question; and the counsel at the bar, besides the special points of the case, had disputed the king's general prerogative of making such a grant. The king, on receiving information of this, signified to the chief justice, through the attorney-general, that he would not have the court proceed to judgment till he had spoken on this matter. Coke requested that similar letters might be written to the judges of all the courts. This having been done, the judges assembled, and by a letter subscribed with all their hands, certified his majesty that they were bound by their oaths not to regard any letters that might come to them contrary to law, but to do the law notwithstanding; that they held with one consent the attorney-general's letter to be contrary to law, and such as they could not yield to, and that they had proceeded according to their oath to argue the cause.

Dispute between Coke and the sovereign relative to a proceeding in the King's Bench. 1615.

James, who was at Newmarket, returned answer that he would not suffer his prerogative to be injured under prettexts having respect to the interest of private persons. Already he had observed it to be more boldly dealt with in Westminster Hall than in the reigns of preceding princes, and it was his determination that this popular and unlawful liberty should no longer be tolerated. As to their oath not to delay justice, it could never have been meant to prejudice the king's prerogative, supposing that, in virtue of his absolute power and authority royal, he should command them to forbear meddling any further in a cause till they should hear his pleasure from his own mouth. On his return to London, the twelve judges were made to appear before him in the council-chamber, where he set forth their misconduct, both in regard to what they had done and the tone of their letter. His majesty observed that the judges ought to check those advocates who presume to argue against his prerogative, the one part of which was ordinary, and had relation to his private interest, which might be and was every day disputed in Westminster Hall; the other was of a higher nature, referring to his supreme power and sovereignty, which ought not to be disputed or handled in vulgar argument. Of late, however, the courts of common law were grown so transcendent, that they not only meddled with the king's prerogative, but had encroached on all other courts of justice. James then commented on the form of the letter, as highly in-

decent, since it merely certified him as to what they had done, instead of submitting to his princely judgment what it might seem to them proper to do*.

This manifest solicitude to place all considerations either of usage or law in subordination to the will of the sovereign, and this inclination to boast of an imperial power, as the means of escape from certain unwelcome restraints imposed by the law of the land, did not tend to weaken the convictions of the chief justice as to the propriety of the course which had been adopted. The judges indeed were awed into subjection by this harangue from the monarch, and on their knees solicited the pardon of their temerity; but Coke remained unmoved, and to an ensnaring question which he was required to answer, he deigned no other reply than that when such a point came regularly before him he would be found to decide upon it as became him.

The effect of this uncourtly method of procedure at length was, that the chief justice was suspended from his office, while certain parties, chiefly his personal enemies, were employed in collecting matters of accusation against him. James was unwilling to remove so able a functionary, and Coke appears to have looked on such an extremity as improbable; but his unyielding spirit led to this result some months after his suspension. By one of his descendants, his disgrace at this time is attributed mainly to the enmity of Buckingham, and it is added that "Sir Edward might have been restored again to his place if he would have given a bribe, but he answered, 'a judge ought not to take a bribe, nor give a bribe†.'" Coke is suspended from his office as chief justice. 1616.

One cause of this disagreement between the chief justice and Buckingham appears to have been the refusal of Coke to give his daughter in marriage to Sir John Villiers, the brother of the favourite; but the marriage took place soon after this time, and was followed by the restoration of Coke to a seat in the privy council. Bacon, who had spared no pains to complete the overthrow of his rival, did not see him thus rising again without alarm. All that he could do to prevent the marriage adverted to he attempted, but the effect was to bring on himself the most humiliating rebukes both from the favourite and the king. Admitted to a place in the privy council. 1617.

Coke, it will appear, had to render important services to his country in this and the next reign; but the career of Bacon was approaching its close. When the parliament of 1621 assembled, his corrupt practices as chancellor formed the topic of general complaint, and led to his impeachment. No one doubted the venality of his predecessors, but it was contended that such conduct did not cease to be vicious from being of long standing, and Fall of Bacon. 1621.

* Hallam, i. 373—375.

† Coke's Detection, i. *ubi supra*.

that it afforded small extenuation in the case of an offender whose delinquencies far exceeded all precedent. The substance of the charges preferred against him appears to have been unanswerable; and Bacon learnt in his sick chamber that the sentence of his judges excluded him for ever from obtaining a seat in parliament, from holding any office in the state, and from approaching the court; and that, beside leaving him prisoner at the king's will, it imposed on him the fine of 40,000*l*. The fine was remitted, as was the penalty of imprisonment; but the few remaining years in the life of this extraordinary man were spent in that seclusion from public life which such a genius might have been expected to enjoy as a luxury, but which in fact he never ceased to deplore as one of the heaviest afflictions. The time which was not wasted in presenting his entreaties and adulations in all directions whence the least aid towards his return to the prominence and pageantry of office might be obtained, was given to his studies, but often reluctantly given, even while he was in a great degree conscious that his philosophic labours would form the groundwork of an intellectual empire that must confer a splendid immortality on his name;—so certain is it that happiness depends much less on intellectual superiority as compared with other men, than on the due subordination of the passions*.

The parliament which connected this disgrace with the later years of Bacon was assembled in 1621, when, if we except the two months through which the parliament of 1614 was ^{Parliament of 1621, Jan. 30.} allowed to exist, England had been more than ten years without witnessing any meeting of its great council. During this interval the pecuniary aid which should have been sought through the medium of the representatives of the people, was derived principally from forced loans, from arbitrary imposts on private persons, and from sums extorted as the terms of granting the privilege of monopoly to individuals or companies in almost every branch of trade. It was not to be concealed that the next parliament, whenever it should be assembled, would probably institute some very unwelcome inquiries with regard to the extent and the legality of such proceedings; but at this juncture there were circumstances which seemed to promise a greater degree of forbearance with respect to such questions in the new house of commons than had been usual in such assemblies.

The Elector Palatine, son-in-law of the king, had been induced by the Protestants of Bohemia to accept the sovereignty of ^{Case of the} that kingdom, to the exclusion of the Catholic pretender, ~~Elect~~ ^{Elect}or Palatine Ferdinand of Grantz. But the new monarch, instead of ^{time.}

* Lords' Journals, 53—106. Parl. Hist. 1208—1241. See the letters of Bacon in the sixth volume of his works. It is not true, as is frequently stated, that Bacon was greatly influenced by the mere love of money; he never accumulated any thing considerable, and, though his will might speak to the contrary, it is certain that he died poor. It was with the station and influence of office more than with its mere gains that the mind of Bacon was so unhappily fascinated. Rushworth, i. 28—31.

finding himself strong enough to retain his dangerous elevation against the confederate Catholic powers, was soon deprived of his patrimonial possessions and driven into exile. At this period, the balance of power between the Catholic and Protestant confederacies in Germany, formed a material feature in the system of European policy; Spain, France, England, and the northern kingdoms, being all accustomed to look on the religious and political contests of Germany as intimately connected with their own immediate interests. It was natural, therefore, that the triumph of the Catholic states adverted to should occasion much alarm among the more zealous Protestants in this country, particularly the Puritans; and it was readily believed, nor altogether without reason, that the popular pretext of a war against Popery would tend to conciliate the disaffected, and might be made to produce liberal supplies, a good part of which at least might be employed to meet those pressing demands upon the government which had arisen from causes of another description*.

James shared but imperfectly in these fond expectations of his advisers, and as little in the general sympathy with regard to his unfortunate relative; and he did not hesitate to express himself as seeing much more to fear than to hope from the convening of a parliament even under such circumstances.

He protested against the conduct of the catholic confederates in seizing the patrimonial territories of the elector as being a punishment of the children for the sin of the parent. But, on the other hand, his conscience did not permit that he should afford any sanction with respect to the sudden transfer of a crown from one brow to another by the popular voice, as in this case, on any conceivable ground;—the duty of subjects to their sovereigns being so sacred, that should a king become Turk or Infidel, the allegiance of a people ought not to be at all affected even by so extreme an occurrence. Added to which, the king of Spain had proffered to mediate an agreement between the elector and his opponents, and this was a manner of proceeding much more suited to the temper of James than going to war, and one which comported better with the prosecution of his favourite object—the marriage of the prince of Wales with the Infanta†. But this was trusting to hollow ground. The embassy of the viscount Dowcastle cost the king of England more than seventy thousand pounds, and was rendered wholly fruitless by the treachery of his good allies‡. Nothing in fact could be more contradictory and pitiable than the conduct of James on this harassing subject, his notions in regard to the inalienable power of kings, his habitual fear of every thing which looked like the approach of war, and his particular solicitude to avoid all appear-

* Rushworth, i. 5—55. Bacon, v. 531, 532.

† Such is the manner in which James regarded this affair, according to a letter of Buckingham's to Gondomar. Raumer, ii. 236, 237. Rushworth, i. 16.

‡ Raumer, ii. 237.

ance of collision with Spain or Austria, all being opposed to his feelings in favour of so near a branch of his family, and to the popular cry around him in behalf of the unfortunate elector and the Protestant interest. It is also well known, that the popularity of the Elector with the more sturdy class of English Protestants, made him an object of some jealousy and even of apprehension, both to the king and the prince of Wales. The operation of all these causes on a mind the weakness and irregularities of which were becoming daily more manifest, rendered the language and conduct of James in relation to this affair, the topic of animadversion and ridicule in every circle from the lowest to the highest.

The French ambassador, having heard much from the king on this subject, thus writes: "On my asking him, after all these conversations, what I therefore should write to the king of France, he answered, he had as yet come to no fixed resolution, but would inform me thereof as soon as he should have formed such. We might do the same on our side. I see this much before me, that he will not engage in the matter, unless forced by the most urgent necessity *." A few months later, the same functionary reports, "The Baron Aune, the Elector Palatine's envoy, was, in his first audience of the king, received not even as the envoy of the most inconsiderable prince, but only as a private person. On the other hand, he has been since treated at Newmarket with such honours, that greater could not be shown to the first prince of France sent in the name of your majesty. From such instances you may judge of the understanding of the king, who imagines, because he is twenty leagues away from home, that no one knows of his goings on †."

The words exchanged however, even on that occasion, were not such as these appearances would have led one to expect. The first which the king addressed to his son-in-law's representative were, "Mordieu! can you show me a good ground for the Palatine's invasion of the property of another? The Baron answered: there was here no question of an invasion, but of a possession, which heaven had sent in a wonderful manner, and the people had offered. So, (said the king, interrupting him,) you are of opinion that subjects can dispossess their kings? You are come in good time to England to spread these principles among the people, that my subjects may drive me away, and place another in my room. The Baron replied:—The conditions are not similar, for you are king by hereditary right, the king of Bohemia by the right of election. If the states have thus chosen my master, I hold him for a legitimate king, and not for an usurper. I also wonder that your majesty chooses not to acknowledge him, and treat him as a king, as you have so acted towards the King of Sweden, who is a mere usurper. Every thing, moreover, which my master has done has been by your advice. King James denied this with oaths and curses, and added,—I did not ac-

* Tillieres in Raumer, ii. 238.

† Ibid. ii. 238, 239.

knowledge the king of Sweden till all the princes of Christendom had done so. He then turned to the Marquis of Buckingham and said, "If I consider the wise counsellors who are about my son-in-law, it is not surprising that he commits so many impertinences."

"Soon after this, the king's indignation passed, and he caused the answer of Frederick to the accusations of the emperor to be laid before him, of which some parts appeared to him valid, and others insufficient. The baron is returned to London, where he holds constant counsels with the Archbishop of Canterbury, Edward Wotton, and the Viscount of Dowcastle. They hope to obtain a declaration to his satisfaction*."

James rendered some service to the elector by suffering troops to be raised, by encouraging a loan in the city, by pledging the crown jewels, and by sending ambassadors in his favour to Turkey, Denmark, and Poland, assuring those powers that "the Spanish alliance should not prevent him from assisting the palatinate." All this, however, was done as indirectly, and with as much secrecy as possible, from fear of giving umbrage to Spain. But the Spanish ambassador, Gondomar, was not a man to be deceived by any pretext to which the mind of James could resort, and he made no secret of his dissatisfaction with the course of affairs in this matter. Having obtained an audience on this subject, the king accosted him before he had time to speak, saying, "You have reason to write to your master that I am a traitor, a wicked man without truth or faith, on account of the assistance extended to the palatinate; but I assure you that not I, but the traitors who surround me, have done all this without my knowledge. Buckingham and the Archbishop of Canterbury he described as principal delinquents in this affair, and, calling the former into his presence, he said to him,—George, why have you without my privy given a passport for money? Because, said Buckingham, you give me nothing. Upon these words, the king seized him by the head, kissed him twice, and said,—Now you may go. Hereupon he continued his conversation with Gondomar, and said, among other matters,—The Palatine is a wicked man, an usurper; I will in no manner stand by him, and it is much more fitting that he, a young man, should suffer himself to be guided by an old king like myself to a just act, the surrender of Bohemia, than that I should be by him involved in a troublesome business. The confederate princes implore my assistance; I give them, however, my royal word of honour that I will not bestow it, and request that you will write as much to the king of Spain. And yet he has, in the terms of the Protestant alliance, promised the direct contrary to Baron Aune†." While such was the conduct of the English monarch, veiled by a disguise which the most distant inspection was sufficient to penetrate, it is hardly surprising that "audacious language, offensive pictures, calumnious pamphlets,

* Tillicres in Kaumer, ii. 239, 240.

† Ibid. ii. 243, 245.

those usual forerunners of civil war, became common, and symptoms of the bitter temper of men's minds *."

Such had been the conduct of the king on this subject, and such was the state of popular feeling, when the defeat and exile of the Elector taught James to entertain the thought of assembling a parliament, in the hope of negotiating in his favour with more efficiency. We have already observed that James did not resort to this expedient without some misgiving, a feeling which led him to repeat his former instructions to the electors as to the best method of exercising their franchise. According to the royal proclamation, the persons chosen were "not to be noted for superstitious blindness one way, nor for turbulent humours another, but such as should be found zealous and obedient children of their mother church †." In other words, they were not to be either Catholics or Puritans.

The speech addressed by the monarch to the two houses was intended to allay those angry feelings which the illegal and oppressive conduct of the government for some years past was known to have excited. Some things from which the commons had been scornfully interdicted by the throne on their last meeting were now surrendered as fit subjects to engage their deliberative wisdom. But neither this spirit of conciliation, nor the attraction of a war with the Catholic confederates, was sufficient to divert the attention of the commons from questions of domestic policy. Their first efforts were directed towards a more complete suppression of the Catholic interest at home, and with this view it was required that the existing laws against all Popish recusants should be more strictly enforced. It was also determined, as a means of stimulating the tardy zeal of the monarch, that two-thirds of the fines obtained from such delinquents should be placed at the king's use.

Hitherto the commons had shown a disposition to avoid some of the more irritating topics of complaint; but there was one proceeding connected with the dissolution of the last parliament of too much importance with regard to the independence and dignity of the lower house to be passed over.

Question of the imprisonment of members.

Certain members of that assembly were questioned by the privy council after the dissolution as to their conduct in parliament, and were subsequently imprisoned. In approaching this subject, it was not denied by the popular leaders that there were instances in which some of his majesty's predecessors had thus exercised the royal power; but it was maintained that such interference with the freedom of parliamentary debate had been contrary to law, and that unless the right of the commons to be the sole judge with respect to the parliamentary conduct of its members were preserved inviolate, the whole liberty of the constitution must be placed in imminent danger. James valued few things so

* Tillieres in Raumer, ii. 246.

† Parl. Hist. i. 1169.

much as the particular exercise of authority to which this objection was made ; but at this moment it was deemed prudent to assure the house that nothing should in future be done in contravention of its full liberty of speech.

The settlement of this point was followed by a vote of two subsidies, which, though by no means equal to the immediate wants of the government, was received by the monarch with expressions of pleasure, as the earnest of good affection on the part of his subjects ; and so far was he from wishing any real grievance of the land to be continued, that he would willingly do more than meet his subjects half way for the purpose of removing all ground for complaint on such matters. Encouraged by this new tone of address from the throne, the house proceeded to appoint a committee on the subject of grievances, and the first evil of this nature to which the committee directed its attention was the practice of the government in making almost every article of trade a matter of patent and monopoly. Parliament had frequently interfered to check this abuse, but its provisions were constantly eluded by those whose vocation it was to devise expedients in behalf of an impoverished exchequer.

Those kind of monopolies which are conferred by granting patents for new discoveries are among the most legitimate means of rewarding merit and industry ; and in those commercial enterprises which require a much larger capital than individuals may command, such as the founding of colonies and foreign marts, it was no more than just that the parties making the adventure should be secured in possession of the gains resulting from such undertakings. That patents of the former description have done much for the improvement of the arts is unquestionable, and, without the aid of chartered companies, we may safely affirm that the foreign commerce of England would not have competed with that of the other states of Europe, all of whom, in proportion as extensive trade became an object of attention, deemed it proper to encourage this sort of monopoly among their subjects.

But the monopolies with which the house of commons now had to deal were for the most part by no means of this description. These had been extended to particular branches of trade without any fair plea of reward or necessity, and manifestly for no other purpose than to obtain those supplies of money from the subject through that medium, which the court had judged it inexpedient to solicit from a parliament. Coke was not alone in bringing his ability as a lawyer to the investigations which were laboriously prosecuted on this subject. It was soon made to appear, that the monopolies which had called forth most of the popular animadversion were such as law, justice, and sound policy, required to be condemned ; and that the proceedings of the government in relation to them had been characterised by gross rapacity and fraud. This was affirmed of the patents which respected the licenses of alehouses, the in-

spection of hostleries and inns, and the manufacture of gold and silver thread.

The prominence given to these instances of abuse was not in consequence of their being much more flagrant than some others, but from the circumstance that the patentees—Sir Giles Mompesson and Sir Francis Mitchell—were the known creatures of Buckingham. As the best means of deterring all classes of persons from engaging in practices of this nature, it was determined to make the conduct of these offenders the matter of solemn accusation on the part of the commons before the bar of the upper house. This course of proceeding, which is known in our constitutional history by the name of an impeachment, was first resorted to in the case of lord Latimer, by the commons of 1376, but had fallen into disuse since 1449, when it was adopted in the case of the duke of Suffolk. From that time to the present, partly through the impaired influence of the commons, and partly from the inclination of the Tudor princes rather to dispose of such real or imaginary delinquents by means of a bill of attainder, it happened that this constitutional right of the lower house had not been exercised. Nor was there on this occasion a due observance of all the forms of an impeachment, but the commons are described as presenting themselves with much ceremony at the bar, while the lords pronounced a sentence which doomed the accused to suffer imprisonment, to pay heavy fines, and to be deprived of the honour of knighthood. In the same manner, the commons proceeded against Field, the bishop of Landaff, who was accused of bribery; and against Bennett, judge of the prerogative court, who was charged with corruption in his office*.

The character of this reign in its relation to government is further illustrated by the proceedings of the present session in the case of the attorney-general Yelverton. Not long before the assembling of parliament, the attorney-general was imprisoned at the suggestion of Buckingham. It is uncertain whether the cause of this was that he had really done the favourite some wrong, or, as others asserted, that he had refused to serve his patron at the cost of his own honour and duty. The parliament, immediately on its meeting, demanded that the prisoner should be examined, and be either punished or set free. The king granted this demand, and the puritans conceived that they might use against Buckingham a man well acquainted with all his projects. In his defence, Yelverton spoke with unusual boldness, and averred that, if he had done any thing contrary to law, he had done it by order of Buckingham, who often assumed the dignity of a king, and threatened in the name of the sovereign. In conclusion, he compared Buckingham with Spenser, the favourite of Edward II., who brought his master to destruction, and himself to an evil end.

Buckingham made complaint of this conduct to the king, and James

* Parl. Hist. 1251—1731.

caused the attorney to be removed from the house, whither he had been conveyed for the period of the trial, and to be shut up again in the Tower. The Parliament, much displeased with this proceeding, demanded that the accused should be allowed to explain his expressions. "At last the Puritans," says the French Ambassador, "prevailed over the adherents of Buckingham, and caused the prisoner to be informed how the matter stood, and advised him to say to the full house of parliament, that he wished to learn whether the accusers of the earl of Somerset, and the discoverers of the chancellor's peculations, were guilty of high treason; for, in that case, he was guilty of the like crime, insomuch as he had spoken against the marquis. In the other case, however, he had done a service to the king and the state, and was ready, for their good, to disclose many other matters in addition. The wife of the attorney, who up to this time had imparted his resolutions to the puritans, now gave the marquis of Buckingham notice of this letter; whether as supposing that this would be to the advantage of her husband, or because she looked upon him as lost, and wished at the least to save herself, can only be conjectured. Buckingham, however, hastened to the king, and urged an immediate dissolution of the Parliament. To this James would not consent, but was of opinion that the attorney should be put in fear." He therefore caused him to be told, that unless he should sign a paper laid before him, in which he was made to recall every thing he had uttered against Buckingham, the parliament should be forthwith dissolved, and his life be forfeited. This, it is said, took such an effect on a man otherwise esteemed courageous, that he signed the paper without delay, acknowledged it in parliament, and uttered apologies, even more base than had been required of him. This cowardice filled his friends with astonishment and disgust, and, abandoned by them, he was forthwith convicted—not of corrupt dealing in his office, but of offence against the king and the ministers, and subjected to a fine of 16,000 marks, beside other humiliations *.

The commons had been encouraged in this unsuccessful attack on the favourite, by the circumstance of his having weakened his influence in the upper house, in consequence of an ill-advised altercation with some of the most considerable of its members. The king had lately raised some of his countrymen of small rank and smaller merit to the dignity of viscounts, who were to take precedence of English barons. Some of the latter, displeased with this proceeding, held meetings at the houses of the earls of Salisbury and Dorset, and drew up a petition to the King, stating that these viscounts had acquired their titles out of the country, and not by means of any service rendered to the state, and praying the sovereign not to give precedence to them over the petitioners. It was also sug-

* Tillieres in Raumer, ii. 253—256. Rushworth, i. 31—34.

gested, that in future it would be well to proceed with more caution in matters which were capable of estranging the hearts of his majesty's subjects, an effect which could not but follow, when they saw the proper rewards of public virtue distributed without regard to merit.

When the marquis of Buckingham (at whose suggestion these viscounts had been named) heard of this proceeding, he took aside the lords Salisbury and Dorset at his next meeting with them, and said, "I am much astonished that you should choose to set yourselves up in opposition to the rights of the crown as well as to myself, with whom, as you know, these nominations have originated. Up to this time I held you for my friends, but I now see plainly that I have been mistaken, and shall for the future live on a different footing with you." The earls answered that they had done no more than lay before their sovereign, and with all possible respect, their complaints and grievances as faithful subjects, and that they were not aware that such conduct bespoke any want of duty or loyalty. Nor did they admit that any attack was thereby meant on the favourite himself, whom they loved and esteemed. If, however, it was his pleasure to put himself on a footing of enmity with them, they were prepared for the result. The marquis made his complaint of this matter to the king, and uttered, in the greatest passion, many ill-timed expressions. In the judgment of all sober persons, Buckingham conducted himself in this affair like a young man intoxicated by court favour, forgetting the respect due to his sovereign, mixing himself up in matters not pertaining to him, and, without any sufficient ground, making enemies of considerable men, whom it should have been his policy to conciliate.

But James was not among the number to whom the conduct of the favourite appeared in this light, and he accordingly brought the affair before his privy council, and summoned the earls to appear. Their answer was, that, during the sitting of parliament, they were entitled to hold assemblies and consultations of every kind; that they were willing to expose the matter in the upper house, and there—and there only they would justify their proceedings. This answer set the king, already much excited by Buckingham, almost beside himself with anger, so that he had determined to send Dorset and Salisbury to the Tower, until it was represented to him that the parliament might easily take up their cause, and make a very dangerous use of it. The policy afterwards adopted was to win over as many nobles as possible from the ranks of the discontented*.

Hitherto, it did not seem that the conduct of the government in levying impositions without consent of parliament had attracted the attention of that assembly, and so long as that point re-^{The question of imposition.} mained in abeyance, James professed himself satisfied with what had been done. But the existence of several committees, employed with the utmost assiduity in searching out abuses, with the intention of

* Tillieres in Ranmer, ii. 250—252.

inflicting severe penalties on the authors of them, was an alarming course of affairs to a government whose proceedings had long been in nearly all respects so irregular ; and it was in the hope of being able to lessen the amount of exposure which was thus threatened, or to devise means for dispensing with the aid of parliament altogether, that the sovereign, at the urgent suit of Buckingham, decided on an adjournment of the two houses for several months. This check, natural as it was, appears to have taken the commons by surprise, who now saw themselves on the eve of returning to their homes without having accomplished any thing in aid of the elector—the object for which they had been ostensibly convened. It might be true, that these attempts to purify the administration of justice, and to remove evils which had so deeply impaired the commerce of the country, were the most laudable in which they could have been engaged ; but it was equally true, that they were pledged to assist the elector, and that they had not done it. Before separating, accordingly, it was resolved unanimously, that should the prince palatine be in circumstances to need the assistance of this country when the house should be again assembled, the lives and fortunes of the people of England should be devoted to his cause, the same being the great cause of Christendom. Such was the acclamation and enthusiasm with which this resolution was carried, that sir Edward Coke advanced to the middle of the house, and there read aloud the collect for the king and the royal family, tears falling from his eyes, while the ardour of patriotism was thus blended with the sanctities of religion *.

England for many years had not been the scene of so much excitement as was manifest in the court, the parliament, and the nation at this juncture. Foreign ambassadors are generally shrewd observers of political affairs, and their despatches at this time show that they regarded England as on the eve of some violent change, the issues of which it was impossible to predict. Buckingham, alarmed at the succession of impeachments with which the popular members in the commons had occupied themselves, represented to the king, that if he allowed his most faithful servants to be thus persecuted, he would soon feel the want of them, nor was he to believe that those proceedings were on account of any real malversation, but that the attack was directed against the monarch himself. It was in consequence urged, as of the utmost moment, that the parliament should be dissolved so soon as

* Rushworth, i. 36. It should be added, that this enthusiasm resulted, in part from ignorance as to the great difficulty of any coercive interference on the part of England in regard to the Palatinate, as well as from that alarm about popery which had taken such strong possession of the mass of the English people ; and which was strengthened, and rendered more clamorous, by the known leaning of the king towards a friendly connexion with the catholic rather than with the protestant states of the continent. It should be remembered that this call for a war against popery abroad, like those for the more rigorous execution of the laws against papists at home, was an indirect mode of protesting against catholic alliances, and against the general policy of the court.

it should have granted two more subsidies. This discourse from the favourite on the one hand, aided by fear and jealousy of the parliament on the other, "caused the king to play all sorts of parts. Sometimes he swore, and denied his Maker (*reniant Dieu*); then he laid his length upon the ground, and declared he wished to die, also that he saw well that the parliament would be his death; then he wept," and finally determined to go and throw himself on the protection of the upper house*.

The concern of Buckingham to procure a dissolution of the parliament was not unreasonable, as, in the judgment of discerning men, it menaced nothing less than his destruction. "This it is true," says the authority last cited, "is delayed by the spirit of cowardice which a long peace has brought upon this country, but we cannot but believe, that in some way or other, this spirit will come to an end, and then be converted into fury. I entertain this view in common with many intelligent men, so that this state, which has so long beheld with joy our misery, and that of Christendom, will be in similar condition, unless more compassion be shown towards her. I am induced to judge in this fashion, more than by any thing else, by James's plan for the diminution of the power of the parliament, which is intended for the purpose of maintaining the equilibrium between the prerogatives of the king and the liberties of the people. So long therefore as this power of the parliament maintained itself erect, without bending to one side or the other, the state continued to flourish; it is however to be feared, that if it once sink, all will crumble into ruin together. His own feeling teaches this to every Englishman, and all complain of the matter †."

Nor were the wisest heads competent to foresee on which side, in this momentous conflict, the scale would turn, whether for liberty or despotism. Thus much only was certain, the king was without a council, the country without a government, nothing prospering save Buckingham and his relations. "All murmur, all suffer; the lords are contemned and little rewarded; the nobility taxed, and the people impoverished. Nor is it enough that all classes should be pressed down into such a condition, but it is forbidden even to complain. If out of all this, greater dissatisfaction among the great, revolt of the people, and bloody war do not arise, the reason does not lie in the lightness of the evil, but in that this people is either more moderate, or less sensible to injury, or more timid than others. Beyond doubt, however, the imposthume must break, and that soon, as stimulants are constantly applied. In what manner this will take place, no one knows: perhaps it will occur by the Dutch bringing over the Electress Palatine of England, and providing the puritans an honourable pretext for revolt, and a stimulus to their fervour ‡." In a condition of affairs so unsettled and foreboding, it is hardly surprising that the object of Buckingham in procuring an adjournment of the par-

* Tillieres in Ranmer, ii. 267. † Ibid., ii. 265. ‡ Ibid., ii. 266.

liament was to see it speedily dissolved. But the dangers of such a measure became the more formidable the more nearly it was contemplated.

It was accordingly determined to employ the recess in correcting such abuses as were expected to engage the attention of the commons at their next meeting. Many obnoxious patents were abolished. Something was done to improve the coin, to afford protection and encouragement to commerce, and to assist the still exiled elector *. But even in this interval the government displayed its folly, as much as its wisdom. In conducting the recent impeachments, the commons had been particularly aided by the zeal and ability of sir Edward Coke and sir Edwin Sandys, and the house was no sooner adjourned, than both found themselves exposed to the vengeance of the court. Against Coke a persecution was commenced, on the pretence that the wealth of which he became possessed while in office was more than he could have honestly acquired. Sandys, aware of the resentment to which his conduct would expose him, had endeavoured to protect himself against penalties of this nature, by obtaining a vote from the house, which declared the conduct of all its members to have been strictly parliamentary. Even this, however, was not sufficient. Sandys, and Selden his adviser, were put under arrest.

The adjournment lasted five months. When the commons again met, nothing was to be heard from them but complaints of the injuries inflicted on Coke and Sandys. “The business of the whole house,” said secretary Calvert, “sticketh at that knot.” Sir Edwin’s detention had not been for more than a few weeks. He was now indisposed, and confined to his bed. But two members were deputed to wait upon him; and before the popular leaders could be induced to entertain any other question, the secretary had repeatedly to assure the house that sir Edwin’s arrest had not been in consequence of any thing in his conduct as a member of parliament.

When this matter was thus far settled, it was still resolved, before granting a single subsidy, to present a petition to the king, deploring the advances of popery at home and abroad; the pope, and his great ally the king of Spain, having leagued together, for the purpose of utterly destroying the civil and religious liberties of Christendom. As the best method of counteracting these schemes, it was urged that war should be at once declared against Spain, that power having been all along most hostile to the Elector; and that the king should exercise his utmost care to prevent the prince of Wales from becoming the husband of any princess, who was not known to be sincerely devoted to the great cause of protestantism. It was the wish of the house to submit their judgment to the sovereign on matters of this grave and delicate import in terms of the greatest deference and respect. But James anticipated their purpose, by procuring a copy of the petition, and on perusing it, gave expression

Parliament re-assembled.

Dispute between James and the commons, respecting the privileges of parliament.

* Rushworth, i. 36.

to the strongest feeling of indignation. The increase of popery, and the best means of suppressing it, were topics to which they had been long wont to apply their wisdom, but his majesty was not prepared for their presumption in censuring the honourable conduct of the king of Spain, in calling for war without the slightest provocation, and above all, in offering their advice as to the most suitable alliance for his children; and he would have the most "fiery popular spirits" among them know, that such matters were quite above their understanding, and that no petition from them was likely to obtain favour or acceptance with him, which meddled with questions so much beyond their capacity. As to marrying his son "to some protestant—he would not say princess—he had only to affirm, that he knew of no one fit for him." Nor did he wish them to mistake his conduct in regard to sir Edwin Sandys, for, if it might be well to apprize them that his recent commitment of that person had not been on account of any thing in his behaviour as a member of parliament, it was no less proper to inform them, that, as king of England, he possessed the power to punish all misconduct in such assemblies, either during their sitting or afterwards, nor should he hesitate to exercise that power as occasion should offer *.

The commons were nothing moved by this language. They prepared a reply, in which they expressed their regret that a petition so well meant should have been so little acceptable to their sovereign; they also ventured to intimate, that whatever related to the safety of the throne and realm of England, must assuredly be among the things to which parliament is bound to give its attention; and as to the power of the crown to punish the conduct of members of parliament, they must be allowed to claim an exemption from such power, as their ancient and undoubted right, and as an inheritance received from their ancestors.

The resentment of the monarch had in some degree subsided before returning his answer to this document. But it will not be supposed that this description of popular privileges, as matters sanctioned by law and justice, would be allowed to pass in silence, and, accordingly, in the conclusion of his majesty's letter, we find the following protest against this assumption. "He could not allow of the style calling their privileges an undoubted right and inheritance, but could rather have wished that they had said their privileges were derived from the grace and permission of his ancestors and himself, for most of them had power from precedent, which rather shows toleration than inheritance—yet he gave them his royal assurance, that as long as they contained themselves within the limits of their duty, he would be as careful to maintain their lawful liberties and privileges as he would his own prerogative; so that their house did not touch on that prerogative, which would enforce him, or any just king, to retrench their privileges."

This language, though somewhat more softened than that in which the king had before addressed the house, was heard with greater apprehension.

* Rushworth, i. 40—44.

It was the language of deliberation, and it stated, that in the judgment of the king, the liberties of Englishmen were a matter of "grace and permission" only; and as such to be enjoyed during the royal pleasure, but no longer. Such was the impression made by the announcement of these principles, that the ministers laboured to diminish the indiscretion of the sovereign by offering the best explanation and excuses in their power; and James himself descended to something like the language of apology; but, with his usual inconsistency on such occasions, it is to the last insinuated, that the man who must speak of popular freedom as a "right," or an "inheritance," could be no very loyal subject. Hence a long discussion ensued on this vital topic. Sir Robert Phillips is described as saying, "since his majesty has said that we hold our liberty by the grace of princes, and not by a right descended to us, and that question has been stirred, (which he wished had not been,) he thinks that we are now to do something more on this point, than to let it so rest. And in so doing, we should do no more than was done in the first parliament of his majesty, when the king said we held our liberties by a toleration, not by right; whereupon there was here entered a public declaration, that we held them by inheritance from our ancestors*." The speeches of several members were to this effect, and the result was, that the following memorable record was entered on the journals.

Protest of the
commons con-
cerning their
rights.

"The commons now assembled in parliament, being justly occasioned thereunto, concerning certain liberties, franchises, privileges, and jurisdictions of parliament, amongst others not herein mentioned, do make this protestation following:—

That the liberties, franchises, privileges, and jurisdictions of parliament are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the king, the state, and the defence of the realm and of the church of England, and the making and maintenance of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in parliament, and that, in the handling and proceeding of those businesses, every member of the house hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring to conclusion the same. That the commons in parliament have like liberty and freedom to treat of those matters, in such orders as in their judgments shall seem fittest; and that every such member of the said house hath like freedom from all impeachment, imprisonment, and molestation, (other than by the censure of the house itself,) for or concerning any bill, speaking, reasoning, or declaring of any matter or matters touching the parliament or parliament business; and that if

* This reference is to the valuable document which Hume insinuates was too liberal in its principles to have been adopted by the house. One member, in the course of this debate, expressed some doubt whether the "Apology" adverted to, had been entered, but all were agreed as to its having been adopted. See page 33, note, of the present volume. Hume, James I. p. 23. note e. *Parl. Hist.*, i. 1030, *et seq.* 1347, *et seq.* Rushworth, i. 44—52.

any of the said members be complained of, and questioned for any thing said or done in parliament, the same is to be showed to the king, by the advice and assent of all the commons assembled in parliament, before the king give credence to any private information." It is noticed in the journals as remarkable, that this declaration was carried so late as between five and six o'clock in the evening, and by candle-light. **Parliament dissolved.**
 James, on learning what had been done, sent for the journal, and tore the memorial from its place in the presence **Jan. 6, 1622.**
 of his ministers. His next step, as will be expected, was to dissolve the parliament*.

To diminish the odium of this proceeding, James issued a proclamation, the purport of which was to assure his subjects that, though circumstances had obliged him to his present course, another parliament should be assembled as soon as convenient, and that in the mean time his government should be conformed in all respects to that of his predecessors. But it has been justly remarked that "if we **Object of James in these proceedings.**
 look at the position of the adverse parties at this time, we shall see that James was attempting, most unseasonably, a new mode of government. The nature of the Gothic monarchies was generally the same. The king, who had first ruled together with his people in rude harmony, came, in time, to exercise certain powers of government which he called prerogative; and the people, who in early times assembled on every occasion to discuss grievances, and laws, and treaties, became in the progress of civilization divided into cities, and had their privileges set down in general and particular charters. Both prerogative and privilege were liable to misconstruction, and sometimes overflowed their banks; but the king always spoke with respect of the liberties of his subjects, even when he illegally imprisoned their persons; and the people professed their veneration for monarchy, even when they deposed their king. Queen Elizabeth, acting in this spirit, abjured the notion of infringing the rights of her subjects, at the same time that she occasionally encroached upon, and always narrowly confined, the rights she professed to maintain. She acknowledged the liberties of the people without doubt or hesitation, but made use of her own dictionary for the definition of the term. James attempted a new system; he denied the existence of privileges altogether, except by sufferance; and without possessing the wisdom of an ordinary man, he claimed, in an inquiring age, the infallibility of the Deity†."

It was in pursuance of this ill-judged policy that James now proceeded to inflict vengeance on the popular members of both houses; for the opposition to the court in this parliament,—or, which was the same thing, to the favourite, **Imprisonment of members—popular discontent.**
 —had been manifest, as we have seen, in the lords as well as the commons. The earls of Oxford and Southampton were made to

* Parl. Hist., i. 1232—1371. Rushworth, i. 53—55.

† Lord John Russell on the English Constitution, 63, 64.

appear before the council; the former, on the pretence of some words of little signification against Buckingham, was sent to the Tower; while one of his friends, a gentleman of rank, was thrown into a miserable prison and threatened with torture because he would not depose to what he had never heard*. Among the victims selected from the commons were Digges, Rich, Carew, and Perrot; but the ingenuity of these persons baffled that of their persecutors. It was found possible, however, to subject them to the cost and inconvenience of a temporary banishment, by obliging them to accept commissions in the name of the king. A heavier punishment awaited sir Edward Coke and sir Robert Phillips; both were committed to the Tower, and the papers of the former were seized by the inquisitors of the court. Pym and Mallory also suffered imprisonment for a time. The names of these patriot members were now constantly on the lips of the people; and well had they merited that honour. In private intercourse, and in all places of public resort, the most violent language with regard to the king and the government might be heard, while the press teemed with productions, the licence and scurrility of which could hardly be surpassed. Proclamations were issued threatening offenders with the severest penalties, but with as little avail as to have thrown straws against a current †.

CHAPTER XI.

Digby's negotiations with Spain—Policy of Buckingham at this juncture—His project of a journey with the prince to Spain—Obtains the concurrence of James—Advantage taken of the prince's presence at Madrid—Offence given to Buckingham, who in consequence employs himself to prevent the match—Charles approves this course—James is induced to concur with it—The match abandoned—New policy of Buckingham—A parliament—Duplicity of James—Statement of Buckingham—War declared—Impeachment of Middlesex—Expedition under Count Mansfield in favour of the palatinate—Marriage of Charles with Henrietta—Death of James.

SOME of the consequences that might have been attendant on this dispute between the king and the parliament were no doubt prevented by the general excitement which was manifested just at this time in consequence of the unexpected conduct of Buckingham and the prince of Wales in regard to the Spanish match, the clear understanding of which will require that we should look back to some measures of former years on that question.

In 1622, on the accession of Philip IV. to the throne of Spain, the tedious negotiation with respect to the proposed alliance was entrusted to lord Digby, now best known by his subsequent title as the earl of Bristol. Digby had been sent

* Raumer, ii. 269, 270.

† Rushworth, i. 21, 36, 55.

ambassador to Spain in 1611 and in 1614; and in the latter instance his mission was to treat of a marriage between prince Henry and the Infanta. On his return from that embassy James conferred on him the office of vice-chamberlain of the household, and made him a privy counsellor. In 1617 Digby was again sent to Madrid, his object being to facilitate the intended marriage between the Infanta and prince Charles; at which time he received from the English monarch, in testimony of his services, the castle and manor of Sherborne, with the title of lord Digby. His experience, capacity, and address, eminently fitted him for the trust thus reposed in him; but that wariness and gravity, that steadiness of purpose, chivalrous courage, and high sense of honour, which had secured him the esteem of his sovereign, and led to his present appointment, had placed him in something like the position of a rival to more than one of the royal favourites*.

The power of Buckingham at this time seemed to be in all respects the same with that of the crown; but the health and habits of the king were not such as to promise a long life, and the continuance of the favourite's ascendancy would in all probability soon depend on the extent in which he might have been able to impress the heir apparent, and possibly the new queen, in his favour. He well knew that not to perpetuate his influence would be, after the course usual in such cases, to fall as a victim into the hands of his enemies. It was this feeling of insecurity, which led Buckingham to insinuate himself from this time by every possible means into the favour of Charles, and which suggested to him the policy of interfering in some way with regard to the expected marriage, so that the merit of putting a period to the delay of a protracted negotiation might seem to be wholly his own. The accomplishment of this scheme would realize the double advantage of humiliating Bristol and of giving stability to his own fortune.

It had been said very recently that Olivarez the Spanish favourite had remarked, in answer to some complaints on the subject of the apparent insincerity of the court of Madrid, that he wished the prince of Wales were present there, that he might be himself a judge as to the good intentions of the Spanish monarch. We know not that such casual observation was really made; and if made, we may well doubt its having given rise to the project that followed; but it is certain that Buckingham and the prince became suddenly filled with the notion of going in person privately to Madrid, as the best means of bringing an apparently endless affair to its close.

Having gained the confidence of the prince, "after a long time of declared jealousy and displeasure on the prince's part, and occasion enough ministered on the other," the favourite urged that Charles should make the disclosure of his purpose to the king, requiring, as a preliminary,

* Rushworth, i. 1—68.

that James should promise to decide on the case about to be submitted to him without any mention of it to another person. This point gained, the prince threw himself upon his knees, and with much earnestness petitioned his father to allow the proposed journey, which, showing as it would his interest in the Infanta, and his confidence in the honour of the Spanish monarch, could not fail to have a happy issue. The king, his first surprise being somewhat abated, and after some discourse on the strange matter, turned himself to Buckingham, who had remained silent, and demanded his judgment upon it. Buckingham of course strongly seconded the suit of the prince, describing it as the only course he knew at all likely to accomplish the two objects which lay nearest the king's heart,—the marriage of his son, and the restoration of the palatinate.

James, whose will had long been controlled by that of the favourite, at length gave his trembling assent, but with the mental reserve that, as no such step could be taken without its being first laid before the council, he might there find himself more at liberty to refuse his concurrence, if, on further consideration, it should appear expedient to do so. But this last refuge was destroyed, on his being informed that the strict secrecy of the undertaking was necessary to its success, and that to accomplish it the more speedily, and to render it the more impressive on the heart of the Infanta, and on the chivalrous sentiments of the Spanish nation, it was the intention of Buckingham and the prince to find their way through France before they were missed in England. With this part of the scheme also James found himself obliged to intimate his compliance.

But when the king came to be alone, and to reflect on what had been done, a thousand difficulties and dangers presented themselves to his imagination. Beside the difficulty which arose from the affection of a father for his only son, he began to fear the influence such a proceeding might have upon his people already enough disposed to complain of any indiscretion in his conduct. Nor was the possible effect of such an undertaking on his reputation with foreign princes a small matter with him. It was not to be doubted that, should any evil result follow, such persons would be forward to censure his weakness in being so far unmindful of the respect due to his sovereignty as to allow the heir of his crown, and his only son, to be exposed to all the dangers and jealousies which might be found to beset him in such an adventure, in part perhaps from the malice of individuals, and still more as originating in that "fathomless abyss, reason of state." In such case, how alarming would be the prospect opened both to himself and his people! And all this would have happened in consequence of his having yielded to a project against which both his understanding and his heart had made the strongest protestation. The effect of such reflections was to deprive the monarch of all peace; and when the prince and duke came to him expecting to obtain the despatch for their journey, they found him weeping, and giving

expression to strong feelings of sorrow and displeasure. He told them he was undone; that it would break his heart if they pursued their resolution; that, on a due consideration of the matter, he was convinced that, beside the almost inevitable hazard of the prince's person, with whom his own life was bound up, and the entire loss of the affection of his people, the effect of the rash action would be to destroy the object it was meant to secure. These, and many other considerations, James is described as urging, some addressed to the prince, and others to Buckingham, to dissuade them from their project. But neither took any pains to answer his majesty's reasons. Charles reminded him of the promise made only the day before, and which he professed to regard as so sacred that the violation of it would prevent his ever thinking of marriage. Buckingham, with an assumption and rudeness which he had found to be effectual on similar occasions, told his sovereign that no one could in future believe any thing he should say if he could so soon retract a promise so solemnly made. He knew, however, well enough how to account for this change; contrary to his royal promise, he had been mentioning this affair to some "rascal," who had furnished him with the pitiful reasons to which they had now listened, and he had no doubt that he should soon be able to find out this favoured counsellor. In the meantime, if the king should recede from his pledge, the disappointment to the prince, whose mind was now fully resolved on the matter, would be so afflicting, that he could never forget it, nor forgive any man who had placed himself so much in the way of his inclination.

At length the earnest entreaties of Charles, whose conduct had been always dutiful, and who had not been wont to exhibit strong feeling on any subject, and the demeanour assumed by Buckingham, so far prevailed, that after James had passionately, and with many oaths, denied having communicated the affair to any one, the conversation about the journey was resumed. It was argued with much determination that the departure should take place in two days, by which time every thing necessary might be prepared; and it was also a part of the plan, as agreed upon between the prince and duke, that not more than two persons should be in their company. The individuals selected were sir Francis Cottington and Endymion Porter, who, though they might be safely entrusted with the secret, were not to be apprised of it until ready to embark. The persons mentioned, as was expected, were both acceptable to the king, the former, who was now secretary to the prince, having long acted as agent of his sovereign in the court of Spain. James expressed his wish that the matter should be at once disclosed to them, observing that they would no doubt have much to suggest as necessary for the journey which had not hitherto been thought about, and, without waiting for a reply, sent immediately for Cottington. The secretary was in the adjoining room, but before he made his appearance Buckingham whispered to Charles that he would be opposed to the journey. Charles

replied, "he dares not." The king, addressing himself to Cottington, said that he had always been an honest man, and that he was now about to be entrusted with an affair of the highest importance, which he was not, at the peril of his life, to disclose to any man. "Here is baby Charles," said the monarch, "and Stenny (names which he always gave the prince and favourite), who have a great mind to go by post into Spain to fetch home the Infanta, and will have but two more in their company, and have chosen you for one; what think you of the journey?" Cottington was so alarmed by this announcement and appeal as to be scarcely capable of speaking. But when James commanded him to answer, he replied that he could not think well of such a proceeding, and that he believed it would render all that had been done toward the match fruitless. The Spaniards, having the prince in their hands, would no longer deem themselves bound by existing articles, but would make new overtures with a view to their greater advantage, particularly with respect to religion and the exercise of it in England. The king, on hearing this, threw himself upon his bed, exclaimed, "I told you this before;" and giving way to a new burst of passion and lamentation, said that he was undone and should lose baby Charles.

The prince and duke witnessed this scene with great displeasure, and the latter, addressing himself to Cottington, said that, "as soon as the king sent for him, he whispered the prince in the ear that he would be against it; that he knew his pride well enough; and that because he had not been first advised with he was resolved to dislike it." Reproaches of this description were poured forth on him with the greatest vehemence. The king had merely asked his advice about the best manner of performing a journey, but he had presumed to give his opinion on a matter of state, and an opinion not only unsolicited but opposed to that of his master, a proceeding of which he should repent as long as he lived. James, who now saw in Cottington a man about to become the victim of persecution on account of his honesty, said with considerable emotion, "Nay, by God, Stenny, you are very much to blame to use him so. He answered me directly to the question I asked him, and very honestly and wisely, and you know he said no more than I told you before he was called in." However, after all this excitement on both sides, the king yielded, and before the close of this conference the journey was agreed upon, and Cottington received the necessary instructions, James being now sufficiently aware that the project was of Buckingham's contrivance, and that to resist the impetuosity and violence of his spirit in regard to it would be attended by the greatest inconveniences*.

The prince, the favourite, and their two attendants passed one day in Paris, and then directed their course towards Madrid, which they reached in safety. It was on the sixth of March, a little after twilight, that Buckingham entered the house of the earl of Bristol, bearing his own

* Clarendon, i.

portmanteau, and announcing that the prince was on the opposite side of the street waiting to know if he might come to him without discovery. Bristol had received some obscure intimations which prevented his being greatly surprised by the arrival of his distinguished guest, but these and many details connected with this romantic adventure we must pass over: suffice it to say, that nothing could exceed the spirit of rejoicing in Madrid when the arrival of the prince had transpired, and that for a time both Charles and Buckingham were confidently expecting the speedy completion of the marriage*.

But the court of Spain, and particularly the agents of the pontiff, took advantage of the situation and impatience of the prince to introduce new stipulations, and by this means produced new delays. Bristol protested with his usual ability and firmness against all proceedings of this nature; but two secret articles were nevertheless added to the former provisions of the treaty, by the first of which James bound himself to do every thing in his power for a repeal of all the penal laws against the English Catholics within three years; and by the second, the children of the marriage were left under the care of the mother to their twelfth, in the place of their tenth, year†.

Nothing could be less to the taste of the grave and decorous Spaniard than the spirit and conduct of Buckingham‡. To the Spanish ministers his assuming hasty dogmatism was particularly unacceptable; and, as in the fullness of his self-confidence he had failed to obtain any express commission from James to warrant his interference in regard to the treaty, the ministers of Philip did not hesitate to exclude the English favourite from their deliberations on that subject. This conduct could

Advantage
taken of
Charles's
presence at
Madrid.

Offence given
to Bucking-
ham, who em-
ploys himself
to prevent the
match.

* Hardwicke Papers, i. 402, 410, 413, 424, 427, 432, 434, 436, 437, 473—475. One of Buckingham's earliest epistles to James states that nothing had been really done by Bristol, 426.

† Ibid., 402, 403, 405, 409, 411, 414, 425, 437—443, 445, 509. Lords' Journals, 221, 226, 663.

‡ "Let your majesty inquire of those who came out of Spain, whether the duke of Buckingham did not many things against the authority and reverence due to the most illustrious prince? whether he was not wont to be sitting while the prince stood, and also having his feet resting upon another seat after an indecent manner? whether, when the prince was uncovered while the queen and the Infanta looked on at the windows, he uncovered his head or no? whether sitting at the table with the prince he did not behave himself unreverently? whether he were not wont to come into the prince's chamber with his clothes half on, so that the doors could not be opened to them that came to visit the prince from the king of Spain, the door-keepers refusing to go in for modesty's sake? whether he did not call the prince by ridiculous names? whether he did not dishonour and profane the king's palace with contemptible women? whether he did not divers obscene things, and used not immodest gesticulations and wanton tricks with players in the presence of the prince?" These and other things the author of this letter pledges himself to prove at the pleasure of the English monarch, to whom it was addressed. Cabala, 276. Hacket's Life of Williams, 44.

HISTORY OF ENGLAND.

had failed to convert the haughty prince into a determined foe of the
 proposed marriage, and his resentment disposed him after some time to
 try every possible expedient against it into the mind of Charles. Nor
 did he pursue this policy without success. It was with difficulty that
 Bristol prevented the prince from embarking very abruptly for England;
 but in return for maintaining his wish to leave Spain soon afterwards
 secured which was of no plausible a nature to be allowed to pass.
 This was on the death of the pope, when a further delay was said to be
 necessary in order that the marriage articles might obtain the sanction
 of his successor. Delicacy prevented the Spanish monarch from throw-
 ing the slightest impediment in the way of this unexpected determi-
 nation, and indeed it does not appear to have been suspected that there
 could have been the least intention of breaking the match, as every pre-
 liminary in relation to it which was now practicable had been performed,
 and with the utmost appearance of good faith on both sides.

Charles, however, was no sooner on board the English vessel than it
 became manifest that there had been much insincerity
 under these appearances. A letter was immediately sent
 to Bristol, in which the prince betrayed his wish to find
 manner of disengagement; and subsequent events show that, having surren-
 dered himself to the guidance of Buckingham, the one object with both
 from that time was to devise excuses which should give the best colour-
 ing to their conduct in abandoning all thought of the connexion with
 Spain, and which should tend to reconcile James to the blighting of his
 fondest hope.

When Buckingham and Charles joined the monarch at Royston,
 James indeed "the joy of the interview," we are told, "was such as
 surpassed the relation." His majesty in a short while
 retired, and shut out all but his son and the duke, with
 as he held a conference till it was four hours in the night. They
 that attended at the door sometimes heard a still voice, and then a loud;
 sometimes they laughed, and sometimes they chafed, and noted such
 variety, that they could not guess what the close might prove. But it
 broke out at supper that the king appeared to take all well that no more
 was effected in the voyage, because the proffers for the restitution of his

Hardwicke Papers, i. 422, 426, 432, 477—479, 490, 500. Buckingham had
 other reasons beside the offence given him in Spain for hastening his return. It
 was during his absence, his enemies in the English court were employing
 all their resources against him and in favour of Bristol with considerable success. Cabals,
 Heylin's Life of Laud, 105, 113.

Hardwicke Papers, i. 481. "What could the duke say to blot the image of
 a person as the infant out of his highness's heart? This is strange to those
 who know not his highness, who had a quality, to his life's end, to be easily per-
 suaded out of his own knowledge and judgment by some whom he permitted to
 exercise power over him who had not the half of his intellects." Hack's Life of
 Charles, 54, 55.

son-in-law were no better stated by the Spanish. And then that sentence fell from him which is in memory to this hour,—‘ That he liked not to marry his son with a portion of his daughter’s tears *.’ ”

From these expressions, and from what followed, we may conclude that the great object of Buckingham in this interview was to persuade the king that, instead of leaving the question of the restoration of the palatinate to be settled after the marriage, it was imperative on him as a father to insist on security for that object as a preliminary; and the earl of Bristol received instructions to make this new demand on the king of Spain. Philip understood what this meant, and regarding the treaty as virtually at an end, he determined that the blame of this result should rest as far as possible with the English court, and accordingly he gave the required security in writing. Nothing now remained but that Bristol should be at once instructed to withhold the proxy for marriage, which he retained from the prince until after Christmas, when the espousals were to have been solemnized; this instruction was sent, and thus ended the Spanish match after a negotiation of almost nine years continuance †.

The match is abandoned.

Bristol, by the assiduity and determination with which he had endeavoured, even to the last, to bring the matter entrusted to him to a successful termination, had given unpardonable offence both to the prince and the favourite. It was to provide against the influence of this nobleman on his return, and if possible to plunge the country into a war against Spain,—a measure to which the council, though chafed by the favourite “ from room to room,” would not become parties,—that it was now deemed advisable to urge on the king the convening of parliament. The duke hoped much would be done towards conciliating his enemies by the mere act of advising this constitutional method of procedure. But with this step he connected the avowal of political sentiments widely different from those of which he had hitherto been the

New policy of Buckingham.

A new parliament.
Feb. 12, 1623.

* Hacket’s Life of Williams, 165.

† Hardwicke Papers, i. 449—516. Bristol wrote to James respecting the new claim concerning the palatinate in the following words:—“ I know your majesty hath long been of opinion that the greatest assurance you could get that the king of Spain would effectually labour the entire restitution of the Prince Palatine was, that he really proceeded to the effecting of the match; and my instructions under your majesty’s hand were to insist on the restoring of the Prince Palatine, but not so as to annex it to the treaty of the match, as that thereby the match should be hazarded.” Ibid. 484, 485. This is, no doubt, the truth, but it is due to James to add that he did not depart from the terms of the intended marriage until the Spaniards had set him the example. They had even proceeded so far as to demand a toleration of the Catholic worship by act of parliament, deeming the promised suspension of the laws against that worship, as an act of the prerogative, insufficient, and the king, the prince, and the favourite, had all pledged themselves to accomplish that object, or, in the language of the mental reserve which they connected with this proceeding, to do *their best* for it. Ibid. i. 420, 430, 437. Bristol admits that there were times when the Spaniards were somewhat deficient in courtesy towards their illustrious visitor. Ibid. 480.

advocate, and he further condescended to seek a reconciliation with some of the most popular members both of the upper and lower house.

With respect to the king, it was well known that few things could be so little agreeable to him, as that the judgment of his subjects should be solicited on such mysteries of state as were involved in the recent transactions with Spain: but importuned as he was by his son and his favourite, and bankrupt as he was through the failure of the supply of money expected with the Infanta, he at length consented to a proceeding which in his judgment tended to augment the authority of parliament, at the cost of what properly belonged to the crown*. “Consider,” said the monarch, “the estate of my grandchildren, my own estate, and the estate of my kingdom, the treaties and all, and then upon all you are to give me your advice.” There was one subject particularly on which it behoved them to judge charitably, as they would be so judged—and that subject was religion. The king wished them to be distinctly assured on this point, that, though he had caused the penal statutes to bear upon delinquents sometimes less rigorously than at others, he had never, in any treaty, private nor public, “promised or yielded” that there should be any dispensing or altering the law in that matter; such a course indeed had never been spoken of with his mouth, or thought of in his heart. This emphatic assertion was made more than once about this time, though the king must have known, that among those who were privy to its falsehood, were the agents of Spain, the favourite, and, above all, his own son†.

It was, then, with this pattern of royal and paternal integrity before them, that Buckingham and the heir-apparent proceeded to the work of self-justification before the parliament, and they acquitted themselves in a manner worthy of the school

* “Forget not to make them keep their former conditions anent the portion, otherwise both my baby (Charles) and I are bankrupts for ever.” James’s letter to the prince and duke. Hardwicke Papers, i. 428.

† The following are the terms of the article on this subject in the Spanish Treaty, to which James had sworn: “Quod nulla lex particularis contra catholicos Romanos lata, nec non leges generales sub quibus omnes ex equo comprehenduntur, modo ejusmodi sint quæ religioni Romanæ repugnant, ullo unquam tempore, ullo omnino modo aut casu, directe vel indirecte, quoad dictos catholicos, executioni mandabitur.” Prynne, 44. Hardwicke Papers, i. 428, 430, 437, 446. “James, writing to the prince and duke, says, “I have given order to put in execution all that I have promised (suspending the penal laws), and more; as themselves confess, and had so done before this time, if themselves, by new unreasonable motions, had not hindered it. And thus much more than I promised have I granted unto them at this earnest suit, which is a discharge of all debts already owing to me by recusants; and therefore if they cast up now the great dowry that they are to give, remember that, by this deed, I quit six and thirty thousand pounds of good rent, in England and Ireland.” Ibid. i. 445, 446. See also Cabala, 293—295. Rushworth, i. 63. Dodd’s Church Hist. ii. 439. Prynne’s Hidden Works of Darkness, 4—15, 40, 47, and Clarendon Papers, i. 4—7. James would not probably have sworn to the private articles of this treaty, had he not weakly promised to confirm whatever should be agreed upon by the prince and the duke. (Hardwicke Papers, i. 417, 419.) And when he bound himself to repeal the penal laws, it was with the reserve that to redeem such a pledge would be impossible, and such was the reservation both of Buckingham and Charles.

in which they had been trained. The substance of the duke's allegations for this purpose was, that in reality nothing had been done in the treaty at Madrid before his arrival there; that the Spaniards had conducted affairs with treachery from first to last; that the prince had been very unhandsomely treated by that people, and that to their conduct it must be attributed that the prince had returned to England, without obtaining the hand of the Infanta, or the restoration of the Palatinate*. Charles, standing near the speaker, occasionally assisted his memory, and attested the truth of his whole narrative. It is now well known, that this relation was partial in most respects, and directly false in others; nor have the advocates of the character of Charles any mode of saving his sincerity, except by representing him, at the age of three and twenty, as incapable of judging with respect to things which he saw and heard.

It has been justly said, that the great misfortune of this whole affair was the baneful effect it had on the character of Charles. "He was taught to intrigue, to dissemble, to deceive. His subjects, soon after he mounted the throne, discovered the insincerity of their prince. They lost all confidence in his professions; and to this distrust may in a great measure be ascribed the civil war which ensued, and the evils which befel both the nation and the sovereign †."

Bristol, who could readily have exposed the misrepresentations of Buckingham, had been informed on his landing in England, that it was the king's pleasure he should confine himself to his castle at Sherborne; and, for the present, that nobleman found himself obliged to submit to this arbitrary mandate, nor is it until the next reign that we find him making any effectual complaint of his unmerited disgrace‡. In the mean time, the parliament, possessing only partial means of information with respect to

Bristol is silenced—War declared against Spain.

* The almost complete state to which this negotiation had been conducted by Bristol before the arrival of Buckingham may be learnt from several of the authorities in the preceding note, particularly from Prynne, 14, 25. Hardwicke Papers, i. 400, 498. Clarendon Papers, i. App. xxx. Buckingham's statement regarding the insincerity of the Spaniards to the time of his own visit, and Bristol's reply, may be seen in the Lords' Journals, 221, 226, 663.

† Lingard, ix. 293. That the character of Charles was thus injured in the course of this proceeding is hardly doubtful. But we must not suppose that the bad examples to which he was exposed were all on one side. At Madrid, he had to do with a junta of divines, who thought of nothing, in their slow and wily plottings, save how to make papists:—and what was wanting in the arch-dealing of Olivares, was supplied by the practiced duplicity of Gondomar, and by the services of an arrogant knave who succeeded him in the country—the marquis of Ignioza. Hardwicke Papers, i. 422, 426, 432, 437, 443, 448, 449, 458. It is manifest that, in the progress of this negotiation, James had favoured some project with regard to Holland which he was much concerned should be kept secret. Ibid. 405, 428. Cabala, 276.

‡ Bristol wrote several letters to James, after his arrival in England, soliciting that he might be heard in his own defence, but without effect. Cabala, 101, 102. Those letters, and others sent from Madrid after the departure of the duke, particularly the "Answers to certain Interrogatories," must have enabled the king to judge pretty accurately as to the state of the case between the earl and the favourite. But the creature of his bounty had now become the master of his actions.

the conduct of the Spanish negotiation, and imbibing the popular enmity against Spain, gave its willing assent to the account fabricated by the duke, and came to a resolution which declared that the honour and safety of the country demanded that the treaties respecting the marriage and the Palatinate should be at once abandoned. This resolution was followed by a royal proclamation, which described the said treaties as at an end, and the sum of 300,000*l.* was voted to carry on a war against Spain, and for the restoration of the Elector.

These seasons of peculiar excitement with respect to catholicism abroad were generally marked by loud demands for the more severe execution of the repressive laws at home. Buckingham, in his present career of hypocrisy and resentment, urged on in the commons what James called "a stinging petition" on this subject, but by the assistance of the lords it was rendered harmless. The house next directed its attention to those grievances which were rescued from the scrutiny of the last parliament by its sudden dissolution. But the object which chiefly occupied its vigilance and energy, was the prosecution of Cranfield, earl of Middlesex, on the charges of deficiency, bribery, and oppression, in his office as lord treasurer and master of the court of wards. Middlesex owed his public station to the favour of the duke, but having recently offended his patron, he was now surrendered as a peace-offering to the resentment of his enemies. Lord Belfast, and the lord-keeper Williams, had also fallen under the displeasure of the favourite; but these sought and obtained a reconciliation, the former by disclosing a somewhat successful intrigue on the part of the Spanish ambassador with a view to injure the duke in the esteem of the monarch, and the latter by exercising his ingenuity to remove the suspicions which had been thus infused into the royal mind*. Middlesex was less fortunate, and found almost his only friend in his sovereign. James informed the house of lords, that the accused, instead of having advised the dissolution of the last parliament, as was alleged, had opposed that proceeding with the most earnest entreaties; and added, that as in many parts of his official conduct the treasurer had only to execute the will of his sovereign, so in others it was impossible that the discharge of his duties should be found in all respects free from error, or that his decisions, however justifiable in themselves, should fail to make him an object of enmity.

The charges preferred against him were six in number, on four of which the lords pronounced him guilty, though it was the persuasion of many that his hands were clean, if compared with those of some who held similar offices in that corrupt age. James deplored the proceeding on several accounts, and with some passion admonished both Charles and the duke, that they would live to have their fill of parliamentary im-

* Hacket's *Life of Williams*, 69—76. Cabala, 13, 14. 300, 301.

peachments. The occurrence, no doubt, did much to confirm the newly-recovered right of the commons in this respect. It also led to an improved mode of conducting such prosecutions. Middlesex complained that his adversaries had not allowed him more days to prepare for his trial than they had themselves occupied weeks, and that while his opponents assailed him in extended succession, and might all of them avail themselves of counsel, he had to meet them alone through eight hours in the day, without the assistance of any one capable of rendering him legal aid. It was from this time provided, that the accused should be allowed copies of the depositions, both in his favour and against him, and that, on claiming it, he should have the benefit of counsel *.

That the war to recover the Palatinate might be prosecuted with vigour, treaties either offensive or defensive were formed with Sweden, Denmark, and the United Provinces ;—and, influenced by their jealousy with respect to the political power of Austria, even France, Venice, and Savoy joined the protestant confederacy. Count Mansfield, whose reputation and ability as a general were the elector's principal dependence, came to England, and it was settled that, besides receiving the sum of 20,000*l.* per month, his troops of mercenaries should be reinforced by 12,000 Englishmen. With this force the count appeared before the island of Zealand, on his way to the Palatinate, but the jealousy and inhumanity of the Dutch prevented his landing, until a disease, generated in the crowded ships, had swept off 9000 of his followers. With the remainder he still directed his course toward the Rhine, but at length found his numbers so diminished, as to be obliged to restrict himself to the defensive †.

Failure of the enterprise under count Mansfield.

But if the attempt to recover the Palatinate proved thus disastrous, to supply the place of the Infanta was less difficult. The hand of the French princess Henrietta Maria was now solicited for the English heir-apparent. Charles had obtained a glance at Henrietta in the course of the single day which he passed in Paris, when on his journey to Madrid, but without appearing to have derived any impression from it at the time. Whatever had been conceded to the court of Spain in favour of the Infanta was now claimed by the court of France in favour of the Bourbon princess. This, as it respected the concessions to be made with regard to the English catholics, had become a point of greater difficulty than ever. Charles had lately sworn, that whensoever it should please God to bestow on him any lady professing the catholic faith, she should have

Negotiation concerning the marriage of Charles to Henrietta.

* Parl. Hist. i. 1372—1477. Journals of Commons, 768. Clarendon, i. 41. Hacket, 66, 67.

† Rushworth, i. 152—154. This is sometimes described as the only warlike enterprise in the reign of James I. But in 1621 his majesty had been cajoled by the Spaniards to attempt the taking of Algiers. The failure of that ill-conducted undertaking taught the pirates to direct their depredations against the vessels of England, as well as against those of the people from whom they had suffered so much wrong—the Spaniards. Anderson's Hist. tom. ii. 8, 9.

no further liberty than for her own family, and no advantage to the recusants at home ;—the king was pledged to the same effect, and the judges had received new instructions to enforce the existing laws against catholics. It was at first agreed, that this part of the engagement should be secret, that it should be signed by the king, the prince, and the secretary of state, and that it should secure to the English catholics an exemption from all injury in their persons, property, or conscience, on account of their religion. But these provisions were deemed on reflection much too vague, and it was in the end distinctly required by the French cabinet, that all catholics recently imprisoned should be released; that the fines imposed on such persons should be remitted, and that in future the private exercise of their worship should be without molestation. The English monarch and the prince began to dread a second failure; and on these terms a marriage was accomplished, the influence of which on the destiny of the house of Stuart, and on the constitution of these realms, was to be of no small amount*.

It was in the November of 1624 that James brought the long-agitated question of the marriage of his son to this conclusion. On the twenty-seventh of March in the year following, the king breathed his last, after an illness of fourteen days. His malady consisted partly of a tertian ague, and partly of gout, aggravated by unskilful treatment and an aversion to medicine. Two children only survived him, Charles and Elizabeth :—his death was in the twenty-third year of his reign, and the fifty-ninth of his age.

The authority, and still more the influence possessed by the sovereign at this period were such as to produce an intimate connexion between his personal character and the complexion of his reign. What the character of James was has appeared, on the whole, in what has already passed before us. It is not only true, as stated even by his apologists, that all the virtues of this monarch suffered from the contagion of the neighbouring vices, but that they were all so unstable, that no one of them which seemed to affect him to-day could be relied upon as certain to possess any decided influence over him to-morrow†. Nor is it enough to say that his generosity bordered on profusion,—it should be added, that it had scarcely the slightest connexion with principle, and that it often flowed in one direction, at the cost of

Death of
James.

Character of
James I.

* Hardwicke Papers, i. 523—548—551—570. Rushworth, i. 152—168—169.

† The partial account of the character of James I. here adverted to, is that given by Hume. This uncertainty of temper and conduct was so much a part of the character of James, that nothing can be more delusive than to judge of it by particular incidents. "When, for example, I believe myself to have brought him and those around him to the conclusion that they should not endeavour to effect anything in France in favour of the Huguenots; nay, when the king goes so far as to speak slightly of them, and to treat them as rebels, I suddenly receive information from those who carefully observe his words and actions, that he is as if utterly altered, is calling on his subjects to stand by the Huguenots, and swearing he would rather lose all his three crowns than suffer Rochelle to be taken." Tillieres, Dispatch, June, 1621. Raumer, ii. 256.

justice and of the ordinary feelings of humanity in another. It may be admitted that his native temperament did not incline him towards cruelty; but when under the influence of persons who had acquired an ascendancy over him, or when opposed in some of his favourite projects or speculations, he was found capable of breaking through laws already arbitrary and severe, for the sake of still greater severity. And his judgment, applauded as it has sometimes been, and, on a partial view of it, not without reason, was really not much less frail than his temper; his shrewdness at one hour, or on one topic, appearing wholly to fail him as the next occurred, and some portion of almost every speech which fell from him being in this respect not a little at issue with the rest. It is remarkable that of all his favourite schemes,—and he had many,—there was no one which he did not live to see a failure, those concerning which he was most sanguine proving, in the end, the most hopeless. Thus the union of the two kingdoms, the suppression of English puritanism, the reconciling of his catholic subjects, the extension of protestantism over Ireland, and of episcopacy over Scotland, the establishment of certain arbitrary maxims in the place of acknowledging the rights demanded by the people, and the marriage alliance with Spain, all were matters which lay near the heart of the English monarch, and all were long prosecuted, but no one of them accomplished. It is true, the failure of the negotiation with Spain is not to be attributed altogether, if at all, to the want of judgment in the king; but the commencement and the obstinate prosecution of that affair, so unacceptable to his subjects, must be regarded in this light. His discernment was rather acute than comprehensive or profound, and much more adapted to the small matters of private life, than to the complex relations of a great empire. We need not dwell on the pedantry and general vanity of this monarch, nor on his want of personal courage; in all these respects he was without an equal, and almost without a resemblance in the race of English princes.

But in the character of James I. there were vices more censurable than have yet been described. It was an evil of serious magnitude, that a prince should have made it the great object of his reign to substitute the despotic theory of the old civil law, in the place of the free principles of the English constitution; and that to gratify the men who flattered him in this meditated wrong against his people, and to be avenged on those who endeavoured, though with the most studied decorum, to counteract this evil purpose, he could be guilty of frequent acts of oppression. But this was not all. The monarch who, while pursuing this course, betrayed weaknesses which must have made him an object of pity, was prone to faults which deserved a stronger reprobation, and a slave to vices which could not fail to make him an object of disgust. The contemporary writers complain equally of his utter faithlessness, and his habitual profaneness*,

* Beaumont's Reports, Sept. 1603, in Raumer, ii. 202. "He would make a great deal too bold with God in his passion, both in cursing and swearing, and one strain

those who knew him most intimately, being but too well apprized that his most solemn asseverations were not to be trusted *; and they express themselves astonished that a monarch claiming precedence of all princes in matters of religion, should be found so much wanting with regard to ordinary integrity, and an apparent reverence for sacred things. The great source of these vices, and others, was intoxication, in which James indulged to a most degrading extent. A few months after his accession, the English monarch gave the ambassadors of Denmark and Brunswick a banquet, at which his majesty took charge of the honours of his house, and having drunk for the space of five hours, fell senseless on the table in the presence of his guests †. The propensity of the king in this respect was noticed by the queen as leading necessarily to “an early and an evil result,” and was the principal reason assigned by her when urging that the young prince of Wales should be committed to her care. In 1606, James was represented on the stage as cursing and swearing, because he had been robbed of a bird; as beating a gentleman who had happened to call off the hounds from the scent; and as being drunk, at least, once a day ‡. The monarch interposed to prevent a repetition of these exposures, but continued to scandalize his subjects by a still freer indulgence in the excesses to which they referred. Indeed the licentiousness of his language and behaviour became such towards the close of his career as not to admit of being described. The residence of the Duke of Buckingham was the place where strange orgies were often celebrated. “But I have too much modesty,” says the French ambassador, “to describe, in the terms of strict truth things which one would rather suppress than commit in writing to ambassadorial dispatches, destined for the perusal of exalted persons. They are such as even friends touch upon only with reluctance in confidential letters. I have nevertheless sought out for the most decent expressions which I can make use of to convey to you some of the particulars, but I have not succeeded, whether because I am deficient in adroitness, or that it be actually impossible to lay these histories before chaste ears.” Subsequently, the ambassador was induced to become more communicative, and the translator of his description, forbearing to proceed, remarks, that the passage omitted adds a lamentable proof to the many before extant of James’s disgusting indecencies, and observes that it is hard to read it, “without deriving the worst opinion of his habits, and those of his favourites §.” The language in which the king’s friendship for Buckingham is described by the authority adverted to we shall not venture to transcribe. It must be sufficient to say that an

higher, verging on blasphemy, but would, in his better temper, say, he hoped God would not impute them as sins.” Weldon, pp. 23, 181, 186.

* See pages 88, 160.

† Raumer, ii. 200, 220, 259—261, 266, 269, 274, 276, 278, 279. The sort of repentance which sometimes followed the king’s bursts of passion and profaneness, generally succeeded his fits of inebriation. Boderic, iii. 196, 197.

‡ Villerot to La Boderic, April 1606. Raumer, ii. 219, 220.

§ See Tillieres in Raumer, ii. 260, 261, English Translation. London, 1835.

“infamous licentiousness*,” the very remembrance of which must give “horrible displeasure†,” is said to have been the cause which disposed the English monarch, in his later years, to avoid intercourse with men of rank and understanding‡. The reign of James was followed by that of his enemies, and it is still sometimes intimated, that his memory has suffered unjustly from this cause. With what justice such a conclusion has been formed, the above facts may enable the reader to determine§.

APPENDIX.

Leading principles of the English Constitution—Authority of Parliament with respect to taxation—how infringed—Its legislative rights—how invaded—Administration of justice—Liberty of the subject—Courts of Star Chamber and High Commission—Dispensing Power—Testimonies of Aylmer, Hooker, and Sir Thomas Smith, to the nature of the English Constitution and Government—Commerce—State of London—Manners of the Court—Society in the Capital—and in the Country—Literature, the Arts, Architecture, and Science.

BEFORE we proceed to the important reign of Charles the First, it may be proper to advert in this place to various matters relating to the time of his predecessor, some of which have been touched upon but lightly, if at all, in the preceding narrative. Compared with the limits within which we propose to exhibit the history of the house of Stuart, we have already given what may seem a disproportionate space to the reign of James the First. But this has been done advisedly. By this method we have hoped to render the causes of the events which characterize the reign next in succession more evident, and our narrative as a whole more readily intelligible.

* “Paillardice.”

† “Deplait horriblement.”

‡ Ibid., ii. 266, 269, 274—276, 278, 279.

§ Dalrymple's Memorials, i. 168, 169. Weldon, 102. 103. Somers's Tracts, with Sir Walter Scott's Notes, ii. 488. This last authority will show how difficult it is for the most candid mind to avoid these unfavourable conclusions as to the tendencies of this monarch, if fully acquainted with the information which has reached us concerning him. With all this, too, religion was so far mixed up, that when the countess of Buckingham, the mother of the favourite, turned catholic, the king held a theological conference, or rather disputation, to reconvert her:—“and if souls are to be converted by screaming, swearing, and denying God and all the saints,” says Tillieres (crier, jurer, et renier Dieu et tous les saints) “the countess has done very wrong not to follow his doctrine.” Raumer, ii. 271, 272. The true spring of this protestant zeal on the part of the king, no doubt, was his vanity in such matters; and on the part of the favourite, the fear lest the incident should be made to work him injury—particularly if employed for that purpose by the puritans. As to Buckingham, there is no want of charity in supposing him willing to become catholic, or anything else, to which vanity or ambition might have prompted him.

Much has occurred in the preceding chapters to show the state of the English constitution and government during this period. The two great principles of the constitution with which its freedom in all respects is mainly connected are,—first, that Englishmen should not be taxed without their consent virtually given through the medium of their representatives in the national council; and secondly, that the concurrent voice of lords and commons in parliament assembled should be necessary to the adoption of every regulation having the force of law. Long before James ascended the throne, both these principles had been established by many enactments, and they were generally acknowledged, though not so completely as to have been secure from occasional attempts to break in upon them, even down to a comparatively recent period.

The great provision, which required that no tribute should be exacted from the property of the subject without consent of parliament, was sometimes infringed by the government in calling for certain contributions under the name of a loan or a benevolence. These loans were obtained by means of royal letters, called privy seals, addressed to the persons required to become contributors; and the sums thus obtained were not only obtained without interest, but could not be recovered by any process of law,—a benevolence was distinguished from a loan as being a gift to the crown. As there was no law to authorize either kind of exaction, so there was no direct punishment that could be inflicted on such as refused to part with their money when thus solicited. But the government, by quartering soldiers on such persons, or by forcing them to go on some distant mission for the crown, possessed the power of making such acts of disobedience both inconvenient and costly. From a period considerably earlier than the accession of the house of Tudor, it had not been pretended that this method of raising money was the constitutional one, the plea on such occasions being that of necessity, or peculiar emergency, to which the cumbrous movement of assembling the council of the nation was not applicable. Besides the provisions against all such exactions so expressly made in the Great Charter, it was enacted in the twenty-fifth year of Edward III., “that no person should make any loan to the king against his will, because such loans are against reason and the franchise of the land.” Edward IV. solicited a contribution from the country, under the name of a benevolence. But, in so doing, according to Lord Bacon, he “sustained much envy;” and during the reign of Richard III. another law was enacted on this subject, which declares “that the king’s subjects shall from henceforth in no wise be charged by such charge, exaction, or imposition, called *benevolence*, nor by such like charge; and that such exactions, called benevolences, before this time taken, be taken for no example, to make any such, or any like charge of the king’s subjects

hereafter, but shall be damned and annulled for ever." In the year 1492, Henry VII. would have evaded these important statutes, but the attempt was resisted by the people, and in consequence abandoned. In 1505 he made a similar attempt with more success, and was fortunate enough to escape the interposition of the legislature. Even in the tyrannical reign of Henry VIII. an effort to raise money in contempt of this prohibition led the people generally to remark, that "if men should give their goods by a commission, then were it worse than the taxes of France, and so England should be bond and not free." So loud indeed were the complaints occasioned by this proceeding, that Henry deemed it prudent to recall his warrants, and obtained the needed assistance by a vote of parliament*.

It would have been quite in accordance with Elizabeth's high notions concerning her prerogative, had she shown a disposition to obtain her supplies in this manner:—but it is to be observed here, that through the course of the almost half century during which that princess occupied the throne, she abstained from soliciting a single benevolence, and that not more than two instances occur of her obtaining loans, both of which were solicited to meet a pressing state of affairs, and both were honourably repaid †. To avoid such applications to her people, Elizabeth is known to have given twelve, and even fifteen per cent. for the loan of money on her own responsibility ‡. James, we have seen, was much less scrupu-

Conduct of Elizabeth in regard to loans and benevolences.

* 1 Ric. III. c. 2. Stat. ii. Henry VII. c. 10. Hall. folio, p. 138. Bacon's History of Henry VII., 602, 631.

† The first of these was on occasion of the northern rebellion, the second at the time of the Spanish Armada. At the end of twelve months, the queen was not able, according to her promise, to repay the first of these loans, and the collectors were instructed to use all their influence with the lenders, that they might be "content to forbear the demand for the space of seven months"—"at which time, or before," said her majesty, "you may assure them an undoubted payment." Murdin, State Papers, 181.

‡ Murdin, 181, 632. Haynes, 518, 519. Strype's Works, ii. 102, iii. 585. Brodie, i. 248—266. It thus appears there had been just five attempts to raise money in the manner adverted to, before the accession of the house of Stuart, only one of which can be said to have been made with success. Yet Mr. Hume states that Elizabeth *often* raised money in this way, and describes the practice as so common in the history of the English government, that scarcely any one thought of questioning it. The benevolence adverted to by this writer as declined by Elizabeth in 1585 was an ordinary parliamentary supply, of which the term benevolence had long been, and still continued to be, the frequent technical designation. In the only authority to which Mr. Hume refers, this grant is expressly mentioned as made by "the parliament." In D'Ewes's Journals, the word *benevolence* occurs, as denoting a regular parliamentary grant, not less than twenty times. Brodie, i. 260—263. Mr. Hume has cited a passage from Cotton's Abridgment of the Statutes, in which it is said that such persons as had "reasonable excuse" for not lending to the king should not be put to any "travail or grief" on that account; a law, says this historian, which "ratified the king's prerogative of exacting loans." It appears however that the loan referred to was one negotiated by the *parliament* with certain merchants; and that the men whose language Mr. Hume has cited were concerned to protest against the issuing of privy seals with any threat or compulsion as contrary to the law of the land. Rot. Parl. iii. 62. No. 30. 2nd Richard II. Cotton's Abridgment, 193, 194.

lous in this respect. Indeed to obtain money by such means was the almost constant employment of his ministers, though, happily, with only a moderate share of success.

But it was not merely by soliciting loans under the name of privy seals, or gifts under the name of a benevolence, that the English government had sometimes obtained pecuniary aid from the subject without consent of parliament. In the earlier period of our history, the duty laid upon merchandise at the ports, now known by the name of the customs, was sometimes imposed, though contrary to an express provision of the Great Charter, by the sole authority of the crown; and while this power was in any measure conceded to the government, the authority of parliament, as the medium of taxation, was necessarily imperfect. James and his ministers availed themselves of every precedent, however remote, in favour of such exercises of the prerogative. With what success this was done, has already appeared;—an instance from the reign of Mary, which upon examination totally failed, being the only semblance of a precedent to be adduced in favour of this pretension on the part of the crown, from the time of Edward III., a space of more than two centuries*. It was not by such means, but principally by the sale of monopolies, that Elizabeth contrived to replenish her treasury beyond the extent in which she judged it prudent to ask the assistance of her parliament. On this subject her parliaments uttered loud complaints, and not without considerable success†.

This was in accordance with a statute of the 25th of Edward III., which required that all existing loans should be paid, and declared that to compel men to lend was *contre raison, et la franchise de la terre*." Rot. Parl. ii. 239. No. 16. The loan exacted by Edward IV. was of the sort which Mr. Hume describes, but all the authorities he has cited describe it as a novelty.

* See pages 76, 77, of this volume. The reader who would study this great question in our constitutional history, must be particularly directed to the grand inquest upon it, as set forth in the second volume of Howell's State Trials, pp. 373—534. Dyer's Reports, 164, 165. Strype's Annals, i. 16. Sir John Davies's work on Impositions, which is a great authority with Hume, is composed on the assumption that statutes on such a question can be of no force, *because the prerogative cannot be restrained*.

† D'Ewes, 653—659. Elizabeth, in prospect of her coronation, sent to the custom-house prohibiting the export of any crimson silk, until her own wants in that article were supplied. This pitiable act of the great queen has been described as a specimen of the freedom with which English sovereigns could employ their prerogative to lay on embargoes, and to extort money from traders. (Hume, Hist. Eliza. Ap.) But so far was the queen from regarding herself as only doing a thing of course in this instance, that the persons required to see her pleasure accomplished were enjoined "to keep the matter secret." Strype's Ann. i. 27. See Hargrave's Tracts, Pars ii. c. 9. A considerable power in this respect is still left to the crown, the check on which is found in public opinion, and in the provisions of law much older than the age of the Stuarts, which forbid its being employed as a source of private profit. In fact the laws in regard to the ports, and the regulating of foreign trade, were, in substance, under Elizabeth, what they are now.

Our laws respecting leaving the kingdom and entering to it had been, from an early period, more or less arbitrary—but then it was thus as the effect of law, and not, as sometimes represented, as matter of prerogative, though the instances in which the law should be enforced rested, in this case, as in many others, very much with the sovereign.

Mr.

Such, then, was the state of the first great provision of the constitution on the accession of the house of Stuart—it was the law and usage of the realm that its property should not be taxed without consent of parliament. The second great principle relates to the legislative power of parliament. This was less perfectly understood and secured than the former, but by no means so imperfectly as it has been sometimes represented. In the reign of Henry VIII., a royal proclamation possessed nearly the whole force of a statute; but the servile enactment which had conceded this extravagant authority to that monarch was rescinded in the next reign. In the reign of Elizabeth, however, proclamations were frequent, principally in consequence of the long intervals between the meetings of parliament. So long as these royal announcements were founded on existing laws, they were, in the language of Sir Edward Coke, “of great force,” and their operation might be highly beneficial; but the evil was, that they sometimes made that to be an offence which the law had not so made, and led to the infliction of penalties in some cases, which the law did not warrant. The dangers attendant on our foreign relations, and those domestic animosities which continued through the whole reign of the last of the Tudors, made it almost necessary that something like this temporary power of legislation should be vested in the government, lest any sudden juncture of affairs, for which existing enactments might not be found to have sufficiently provided, should prove fatal to the state. Elizabeth sometimes abused the confidence thus reposed in her discretion, but very rarely, and her subjects always regarded this branch of her authority with peculiar jealousy*. James issued proclamations in greater number than his predecessors, often assuming the full tone of the legislator; but the degree in which his injunctions were obeyed depended on the matter to which they referred, and on the temper of the moment in which they happened to be published. The

Mr. Hume mentions “new year’s gifts from the nobility, and from the more considerable gentry,” as a source of revenue to the crown under the Tudors. His authority is Strype, Eccl. Mem. i. 137, from which it appears that Henry VIII., in the year 1532, received presents of this sort from nearly forty persons, amounting to somewhat less than 800*l*. Only fourteen of the contributors were laymen. The attempt, however, to extort from this circumstance a proof of “the arbitrary manner” in which our sovereigns were wont “to extort money” is almost ingenuous, if compared with the effort of the same writer to deduce a precedent for ship-money from the voluntary supply of shipping and men by the sea-ports, when the country was in expectation of the Spanish Armada.

* The proclamations of Elizabeth, which are often adverted to as showing the arbitrary temper of her government, were mostly founded on preceding statutes, and expressed, in a great degree, in the language of those statutes. This cannot be said of her well-known proclamation against the cultivation of *wood*, but the parliament complained of this stretch of the prerogative, and the proclamation was recalled. D’Ewes, 652, 653. Townsend’s Journals, 250. There is good reason to believe that her alleged interference about the long ruffs worn by the gallants of her time never took place; and with respect to obliging those persons to wear shorter swords, she had both reason and law for what was done. Strype’s Ann., ii. 602, *et seq.* Coke, 3rd Inst. 162, and Chap. 78, 95. D’Ewes, 134, 188, 594. Stowe, ii. 441.

Star-chamber was the court where offences against proclamations were especially cognizable*.

But a circumstance remains to be mentioned, which has to us much more the appearance of an infringement on the authority of parliament—we allude to the practice of the sovereign in interfering with its debates, and requiring the suspension of discussions with respect to any measure unacceptable to the court. With us, the king is not supposed to know what has been doing in either house, until the result of successive deliberations has been placed before him in the shape of a bill, to which his assent is solicited, that it may become a law. In the age of Elizabeth and James it was otherwise, royal messages, having respect to the matters under consideration, being not unfrequently sent to the upper or lower house, and of such a nature as to disturb very materially the independence of its proceedings. But it should be added, that so early as the reign of Henry IV. the commons obtained a law which promised them freedom from such interruption†; and that it was only on particular questions, as the succession, or ecclesiastical affairs, that even Elizabeth ventured to meddle thus with the course of things in the lords or commons,—nearly sixty bills on ordinary subjects having regularly passed both houses in 1597, to which her assent was refused at the end of the session‡. It must be observed also that this usage was not of a kind to affect existing enactments, its principal effect being to express the dissent of the crown during the *progress* of a measure, instead of its being deferred, as at present, until the deliberations of parliament have been brought to a close§.

* The commons in 1610 presented a petition to the king, which, among other matters, complained of the increase of proclamations since his majesty's accession. These are also described as being more frequently, in themselves, and in the manner of their enforcement, contrary to law, so that the people were in fear lest these matters should "grow up and increase to the strength and nature of laws, and in process of time bring a new form of arbitrary government upon the realm." The petitioners express their desire to be governed by that "certain rule of law, which giveth both to the head and members that which of right belongeth to them;" and they affirm it to have been the "indubitable right of the people of this kingdom, not to be made subject to any punishment that shall extend to their lives, lands, bodies, or goods, other than such as are ordained by the common laws of the land, or the statutes made by their common consent in parliament." Howell's State Trials, ii. 523, 524. Coke was required to give the king his opinion on this question, which may be seen in his Reports, or in Howell, ii. 723—727. It is to the effect of the passage above cited from the preamble of the Commons' petition. Indeed the decision of the other law-officers, who were also consulted, was, "that the king by his proclamation cannot create any offence, which was not an offence before, and that the king hath no prerogative but that which the law of the land allows him." Ibid. These proceedings did much to bring the authority of proclamations within the limits prescribed to them by the constitution,—that is, as matters unknown to "the common law, statute law, or custom," and as of authority only when employed "to admonish subjects that they keep the laws." Coke's Reports, *ubi supra*.

† Miller's Historical View of the English Government, ii.

‡ The royal assent was at the same time given to fifteen private, and twenty-eight public acts. Parl. Hist. i. 905.

§ Sir Thomas Smith, in his Treatise on the Commonwealth of England, states

Enough has appeared in the reign of James I. to show how imperfect was the administration of justice at this period, particularly in cases where any state interest, or the passions of the court, were concerned. In ordinary proceedings between man and man, the course prescribed by the law was respected, except where the cause was of so much importance as to expose the judges to the influence or the bribes of some powerful litigant*. But among the laws designed to protect the liberty and property of the subject, there was no one which might not be made to give way when the plea resorted to was the welfare of the state. And how many were the matters which might be dealt with as having a relation to that object. The judges held their seats, not, as in our time, for life, but during good behaviour; and the jury, if they dared to return a verdict contrary to the wishes of the government, were liable to be brought into the star-chamber, where to retract their judgment was the only means of escaping from heavy fines, and from imprisonment determined in its nature and duration by the pleasure of that tribunal. It is true the instances in which juries were so treated were not frequent; but so long as this state inquisition was allowed to spread itself in this manner like an incubus over all the ordinary courts of justice, the most valued securities held forth by the law were liable to be put in abeyance. The judge, as the creature of the court, too commonly shared in its virulence, whenever it appeared as a prosecutor; and the terrors

Administra-
tion of justice.

that every new house of commons in his time, which was that of Edward VI. and Elizabeth, was used to pray of the king, first, that they might "use and enjoy all their liberties and privileges; secondly, that they may frankly and freely say their minds, in disputing of such matters as may come in question, and that without offence to his majesty; thirdly, if any should chance of that lower house to offend, or not to do or say as should become him, or if any should offend, any of them being called to that his highness's court, *that they themselves might (according to the ancient custom) have punishment of them.*" With all which the sovereign promised compliance. pp. 40, 41. That Elizabeth violated this provision of the constitution so far as to commit certain members of the commons to the Tower for proceeding with business which she had interdicted is well known. The first act of this sort was in the thirteenth year of her reign, when the complaints of the house became such, that the member was forthwith restored to his place. D'Ewes, 175, 176. Mr. Yelverton said, among many things to the same effect, that "the princess could not herself make laws, neither ought she, by the same reason, to break laws." Nor was the correctness of this assertion at all questioned. The patriotic Wentworth, who was committed three years later, was also restored to his seat in a manner which equally indicated that the restraint laid upon him was known to be illegal. D'Ewes, 236—244. And for the spirit with which the commons could sometimes brave the royal interdict, see p. 138.

* The ordinary form of proceeding in criminal cases presents a pleasing contrast to what was exhibited in state prosecutions. "It will seem strange to all nations that use the civil law of the Roman Emperors," says sir Thomas Smith, "that for life and death there is nothing put in writing but the indictment only; all the rest is done openly in the presence of the judges, the justices, the inquest (jury), the prisoner, and so many as will or can come so near as to hear it; and all depositions and witnesses given aloud, that all men may hear from the mouth of the depositories and witnesses what is said." Commonwealth of England, p. 93. This account, it will be remembered, is from the pen of a lawyer about the middle of the sixteenth century.

which presented themselves to the eyes of a jury were sufficient to prevent their acting in the spirit of that institution,—as a barrier against oppression*.

It must not, however, be supposed that the administration of justice which was required by the law or usage of the times adverted to was in all respects the same with what is familiar to us. If correct views with respect to the history of English jurisprudence are to be formed, it is of the first importance to distinguish between those failures of justice which resulted from the character of the judge and of those who acted under his directions, and such as may be fairly traced to the then imperfect state of the law. Sir John Hawles, solicitor-general under William III., published a pamphlet relating to the trial of lord Russel, containing some important remarks on that of sir Walter Raleigh. “I would know,” writes this lawyer, “by what law is the deposition of a person, who might be brought face to face to the prisoner, read as evidence; I would know by what law Brooke’s deposition of what the lord Cobham told him of Raleigh was evidence against Raleigh; I would know by what law the story Dyer told of what an unknown man said to him at Lisbon of Don Raleigh was evidence against Raleigh; I would know by what statute the statute of the fifth of Edward VI. is repealed.” It has been justly remarked on this passage that it affords a very remarkable proof with respect to the rapid growth of rational principles of evidence in the course of the seventeenth century; nearly every circumstance here noticed as without the sanction of law having been in accordance with it as understood and administered some eighty or ninety years earlier. The judges in Raleigh’s case might have appealed to the decisions of their predecessors, for a long period, in support of what they did; and accordingly it was not against *them*, as having given a corrupt interpretation of the law, so much as against the *jury*, in having decided as they did, on such unsatisfactory evidence, that the complaints of the times were directed†. The question however still returns—Why did the jury so decide? And the answer must be, because they feared the consequences of doing otherwise. Hence it was not so much the imperfect state of the law in regard to cases of treason which led to the condemnation of Raleigh, as the terrors of a power which had often proved to be stronger than the law. As much legal technicality might have been urged in defence of the proceedings against Raleigh as in the case of

* Before the age of Elizabeth there were instances in which particular persons were exempt from all lawsuits and prosecutions by warrants from the crown. Elizabeth said, she would not allow the exercise of her prerogative in some cases of this sort to be disputed. But two things are certain on this point; first, that such stretches of the prerogative were always rare, and secondly, that the judges had repeatedly declared such proceedings to be against law, sheriffs being amerced for not executing the writs notwithstanding. Coke, 2d Inst., p. 56, also stat. 5th Ed. II. c. 32; 2d Ed. III. c. 8; 14th Ed. III. st. i. c. 14; 2d Rich. II. c. 10; and pp. 135, 136, of this volume.

† Jardine’s Criminal Trials, i. 513, 514.

most of those persons whose lot it was to be brought to trial as state-prisoners during the preceding reigns ; but in saying this we leave the jury under the charge of pusillanimous injustice, and we have to trace that injustice to the vice and tyranny of the government. Even in the age of Elizabeth, it was not until the state prisoner appeared at the bar, and listened to his indictment, that he became fully aware of the charge against him ; and then he was not only required to plead instantly, but had to extract the matters of accusation from the maze of legal subtleties with which they were interwoven. He might deny the charge, but the verbal or written depositions of absent parties, and parties often of the most suspicious character, were admitted as evidence against him, while on his own part he was not permitted to adduce any witness to attest his innocence, or to impeach the witnesses of the crown. He had not the assistance of counsel, and had at the same time to guard against a multitude of ensnaring questions pressed upon him by the counsel for the crown, and by the judges. If pronounced guilty, his life and property were at the mercy of the sovereign ; and if acquitted by the jury, *they* received their punishment in the Star-chamber, while *he* was remanded to his prison until some new ground of proceeding against him should be made out, or to continue there as long as it should be the pleasure of the government.

It has been intimated, that some of these practices were not contrary to law as it then existed. There are others, however, which were well known to be illegal. But what did it avail that the law proclaimed the injustice of the government, if the government, in its spirit of usurpation, was strong enough to deprive the subject of the power necessary for using it in his defence ? Nothing, for example, was more certain at this period than that the application of torture was contrary to law, yet nothing was more common than the use of it in these state prosecutions*.

The practice of dealing with state delinquents by way of parliamen-

* “ Torment or question, which is used by order of the civil law, and the custom of other countries, to put a malefactor to excessive pain, to make him confess of himself, or of his fellows, or complices, is not used in England, it is taken for servile ; likewise confession by torment is esteemed for nothing. The people, not accustomed to see such cruel torments, would pity the person tormented, and abhor the prince and the judges who should bring in such cruelties amongst them, and the twelve men would the rather absolve him.” In cases of treason the same order is prescribed, except that the penalty “ is more cruel.” *Smith's Commonwealth*, pp. 97, 98. Fortescue, chief justice under Henry VI., numbers it among the special advantages of England to possess laws which knew nothing of this practice. *De Laud*, Leg. Ang. 46. *Coke*, 3d Inst., 35. “ The trial by rack is utterly unknown to the law of England.” *Blackstone*, iv. 325. Elizabeth resorted to this practice against certain Catholics accused of treason in 1583, when the proceeding excited so much complaint, that lord Burleigh published a sort of apology for the government on this account (*Somers' Tracts*, Scott's ed. i. 211) ; and the queen herself ordered the practice to be discontinued. *Camden*, 497. Her threatening to put sir John Hayward to the rack on account of his dedicating a book to the earl of Essex is grossly misrepresented by Hume. Enough appears to make it certain that this cruel usage, however frequently it may have been employed as an instrument of prerogative, and by authority of a warrant from the council, was one to which the common law gave no sanction.

tary impeachment, which was revived under James, and the improvements introduced in the mode of conducting such prosecutions subsequent to the trial of the earl of Middlesex, were important acquisitions in favour of more regular government, the high court of parliament being much more independent than the ordinary courts of law. The stream of national justice was further purified by the many prosecutions on charges of bribery and corruption.

Under governments so much disposed toward encroachment on popular freedom, as were those of the house of Tudor, it was not to have been expected that the liberty of the subject would always be held sacred, inasmuch as the powers of arresting obnoxious persons at pleasure, without being obliged to assign any cause for such acts, or being under the necessity of bringing such persons to trial, is that to which arbitrary princes have generally clung with the utmost tenacity. During the reign of James, individuals were liable to arrests of this nature. But these commitments, which generally took place on the most vague pretences, were not very frequent, except in the case of some popular members of the lower house. They were, however, sufficiently numerous to be regarded with alarm, as precedents of the most dangerous description. Elizabeth had shown a resolute inclination to indulge in this species of tyranny: but even her judges were united in declaring it to be the law of the land that no subject should be deprived of his liberty without a specified and lawful cause; and consistently with this declaration, they opposed the justice of the law, from time to time, to the passions of the court, by releasing many persons who had been illegally committed*. Nothing could be more pitiable than the attempt to vindicate the conduct of the court in this respect in the memorable debate concerning it soon after the death of James. On that occasion the generous provisions of Magna Charta, and of many subsequent statutes, were adduced, and to these the defenders of arbitrary power had absolutely nothing to oppose save certain instances of violence in the conduct of successive governments which those laws had been expressly framed to prevent. It was natural that James should be more disposed to copy the irregularities of his predecessors in this respect, than that he should bow to the spirit of freedom which pervaded our ancient statutes. The great check on such acts was in the rising spirit of liberty among the people, which, during the sittings of parliament, spoke out without restraint in the lower house. But we have seen that even this medium of resistance was not sufficient to restrain the conduct of the government in all cases within the limits of the constitution †.

* Anderson's Reports, i. 297, 298. In the ordinary course of affairs the judges went their circuits once in six months, when "all prisoners in the gaols" were brought to trial; and if not convicted, were released. Smith's Commonwealth, p. 88.

† See pages 91, 151, 152, of this volume.

The means, however, which enabled the government of those times to invade the privileges of the subject with most success were found in the constitution and the usurpations of the courts of Star-Chamber and High Commission :—the former being, in its abused and corrupted state, a species of Inquisition, employed to awe down every appearance of insubordination in the state, and the latter being instituted to perform the same office with regard to the church.

There are few points in our constitutional history to which more learning has been applied than to the question respecting the origin of the court of Star-Chamber; and still the best ^{Court of Star-Chamber.} authorities, and those not always distinguished from each other by any strong political bias, are found at issue on the subject. It is, however, unquestionable that the king and his ordinary council did exercise some judicial functions, more or less frequently and vigorously, from the Norman conquest downwards; taking under their management various cases in which the strength or multitude of the parties offending was viewed as requiring the interference of a stronger arm than that to which the ordinary administration of justice was committed. There were cases also which became difficult from the imperfect state of legislation that were sometimes referred to this tribunal :—and indeed in the whole of its proceedings the king's council acted much on the principle of our courts of equity, the object of its interference being, at least professedly, to meet various important cases for which the ordinary courts of law were not found capable of affording a sufficient remedy. But it is also unquestionable, that the power thus assumed by the king and the great officers of his court came to be regarded by the nation at an early period with much jealousy, and that statute after statute was framed to put an end to such interferences, as being in themselves, and, in their matters of cognizance, and their modes of procedure, contrary to law—particularly to the provisions of the Great Charter, which require that no man shall be judged except by his peers, and by the law of the land. When the aristocracy exercised their power so as to deprive the inferior portions of the community of the benefit of the law, it was not unnatural that the sufferer should thus fly to the protection of the crown; and as the power thus acknowledged in the regal council would have a tendency to increase, and to stretch itself beyond the province of strict emergency, it is not at all surprising that the parties who contributed to its increase at one time, are found endeavouring to repress it at another.

With this latter view it was enacted in the fifth year of Edward III., “That no man henceforth should be attacked by any accusations, nor forejudged of life or limb, nor his lands, tenements, goods, nor chattels, seized into the king's hands, against the form of the Great Charter and law of the land.” In the fifteenth year of the same prince, this evil was still matter of complaint; and in his twenty-fifth, twenty-eighth, thirty-

seventh, thirty-eighth, and forty-second years, further and more explicit enactments were passed, reiterating the claims of Englishmen to be judged—not by the lords in council, but in the ordinary courts, and according to law. A statute to the same effect was passed in the first year of Richard II. ; and to a petition on the subject the year following, it was said from the throne, that the king deemed it proper his subjects should be obliged to appear before him for a reasonable cause, though he should always remand their final answer as to their freeholds for trial as the law required, provided always, that where “the common law cannot have her course, in such case the council may send for the party upon whom the complaint is made, to make his answer for contempt, and furthermore to compel him to find sureties by oath, or in other manner for his good behaviour, and that he shall not by himself, or by any other, commit maintenance, or other thing *which may disturb the course of the common law.*” This language shows in what cases the council was expected to act, and exhibits its authority as very different from that of a permanent or ordinary court of justice. In the thirteenth year of the same reign a law was passed which declared that no man should be bound to appear before the lords of the council ; and if Henry IV., some years later, promised only a partial compliance with a similar demand, the unsettled state of the kingdom for some time after his accession was perhaps a sufficient justification of his conduct. Under the Lancastrian princes, these, and some other grievances, were lessened, but several remonstrances on this point occur in the proceedings of parliament during the minority of Henry VI., and from this time the functions of the king’s council became very much blended with those of the chancery *.

It is true there was a law made under Richard II., and another under Henry IV., framed purposely to recognize those powers in the council which the several statutes adverted to were designed to limit or suppress. But there are circumstances which make the intention of the former statute in some respects very uncertain ; while the latter, which was to exist but for seven years, left it at the option of every man to traverse his cause from before the lords of the council to the King’s Bench, there to be determined as the law required. Thus the power ceded was temporary, and simply that the law should not be evaded.

It was, however, out of the practice of this council, that the court arose, which, from the place of its meeting, became known under the Tudor princes by the name of the Star-chamber. It consisted originally of the members of the council *ex officio*, to whom were added certain of the temporal and spiritual peers, and two of the judges : and in its ultimate form it took cognizance of almost every suit and delinquency, embraced almost every form of examination, and while its laws of evidence (if it can be said to have had such at all) were even more

* Rot. Parl. iv., 189, 292 343, 403, 501.

loose and dangerous than those of the minor jurisdictions, it possessed the power of inflicting any punishment short of death, and the actual dispossession of freeholds. By a statute in the third year of Henry VII., somewhat of a legal establishment had been given to this tribunal; but it was still restricted to its original design, viz., to prevent evasions of the law; taking cognizance principally, as we are informed by Bacon, of four kinds of causes, "forces, frauds, crimes various of stellionate, and the inchoations or middle acts towards crimes capital or heinous, not actually committed*." It is from the time of Wolsey, and from the statute which he obtained for the purpose, that the modern complexion of this court is to be traced. Subsequently, its powers fell into the hands of the privy council, and the precedents of its functionaries were put in the place of the laws of the realm; and from that period it became a work of great difficulty to protect any part of the constitution against its encroachments. While in civil suits which circumstances sometimes brought before it, evidence was admitted that would not have been received in the courts of law; in criminal cases it visited the alleged criminal intention, and on very slight grounds, with much of the punishment due only to the overt act. To utter a scandalous report of a man in power, or to spread news which might be injurious to the character of the government, was enough to warrant the charge of sedition, and to expose the offender to the loss of nearly every thing short of life.

While human nature continues what it is, the history of a court so constituted must be in a great degree the history of oppression. It was natural that its terrors should be employed to enforce loans, to intimidate juries, and to give the authority of law to royal proclamations. In turbulent times the operation of this discretionary power had been in many instances advantageous, but before the decease of Elizabeth the necessity for its exercise was of very rare occurrence. The following account of its original uses, from the pen of a writer in the early part of that reign, will show that we are not to judge with respect to the intention or utility of an institution at one period, from its abuses at another. "It is the effect of this court to bridle such stout noblemen or gentlemen which would offer wrong by force to any manner of men, and cannot be content to demand or defend the right by order of the law. It began long before, but took augmentation and authority at that time that cardinal Wolsey, archbishop of York, was chancellor of England, who of some was thought to have first devised that court, because that he, after some intermission, by negligence of time, augmented the authority of it: which was at that time marvellously necessary to do, to repress the insolency of the noblemen and gentlemen in the north parts of England, who, being far from the king and the seat of justice, made almost, as it were, an ordinary war among themselves with their tenants and servants,

* Bacon's Henry VII., Works, ii. 290.

to do or avenge an injury one against another as they listed. This seemed not supportable to the noble prince Henry VIII., and sending for them one after another to his court, to answer before the persons so named, after they had remonstrance shown them of their evil demeanour, and been well disciplined, as well by words as by fleeting awhile, (imprisonment in the Fleet,) and thereby their pride and courage somewhat assuaged, they began to range themselves in order, and to understand that they had a prince who would rule his subjects by his law and obedience. Since that time, this court hath been in more estimation, and is continued to this day in manner as I have said before*." But expedient as such a provision may have been in those rude and unsettled times, the state of society in England when the sceptre passed from the Tudor to the Stuart dynasty was such as to preclude the necessity for so dangerous an engine of power. Nothing, however, was farther from the intention of James and his successor, than that the court of Star-Chamber should cease to exist, or that it should become at all less arbitrary or less active than in preceding reigns.

The Court of High Commission was instituted to ascertain and correct all heresies and disorders subject to ecclesiastical authority. According to the commission issued in 1583, this tribunal consisted of forty-four persons, including twelve prelates, and the majority of the privy council, besides the members chosen from among the civilians, and the clergy generally. It devolved on these persons to inquire from time to time, either by the oaths of twelve good and lawful men, or by such other lawful means as they could devise, with respect to all contempts and offences contrary to the Acts of Supremacy and Uniformity. It was their province to take cognizance of seditious books, heretical opinions, false rumours or talks, and slanderous words; and of a variety of offences against good morals; and in so doing they were accustomed to examine suspected persons upon oath, and punished contempt of their authority not only by the sentence of excommunication, but by fines and imprisonment; and it was determined by the commissioners that these serious penalties might be inflicted by any three of their number, one of them being a prelate. The court of High Commission, therefore, was a kind of national bishops' court, with enlarged powers, embracing those questions of religion and morality which had pertained to the jurisdiction of the clergy during the middle ages. From all the provincial bishops' courts an appeal lay to this superior tribunal. It should be added, that the creation of this court was the act of the first parliament under Elizabeth, and that five commissions relating to it had been framed before that of 1583.

* The Commonwealth of England. Ed. 1621, pp. 105—109. Coke is a treacherous guide respecting the history of the Court of Star Chamber, partly, there is room to fear, from his having for a short time possessed a seat in it. 4 Inst. c. 5.

As these commissioners were selected in nearly equal numbers from the laity and the clergy, it was to be expected that their jurisdiction would not prove to be purely of an ecclesiastical character. Had the penalties awarded by these functionaries been restricted to excommunication in the case of the laity, and deprivation in the case of the clergy, the former sentence alone exposed the person on whom it was pronounced to many weighty grievances as a subject. But to this means of enforcing obedience these guardians of the ecclesiastical state added direct fines and imprisonment; and, as we have elsewhere observed*, it was this encroachment of a jurisdiction which should have been strictly ecclesiastical, on the province of the courts of law, which rendered the court of High Commission so much an object of dislike with the friends of liberty generally. During the reign of James, the puritans, and every succeeding house of commons, did themselves honour by the temper and intelligence with which they exposed and resisted the usurpations and the dangerous usages of this power. Nor should we forget to mention the patriotic conduct of Sir Edward Coke in this respect. The commons, indeed, would have abolished this instrument of arbitrary rule, but the utmost that could be at present accomplished was to limit its excesses†.

We have had occasion to notice the complaints of the commons during the reign of James with respect to the partial enforcement of the laws against catholics; and this practice of the crown in enforcing certain statutes very much at its discretion, and in sometimes conferring on individuals a dispensation from the penalties of particular enactments, was an irregularity in the working of the English government that could not be too seriously deplored. It must always be admitted that somewhat of a dispensing power pertains to the crown so long as the king is allowed to pardon criminals, and is

Dispensing
power.

* See pages 113, 114, and 115 of this volume.

† Howell, ii. 522—524. Dalrymple's Memorials, i. 24—25. In the statute of the first year of Elizabeth, on which this court was founded, it is distinctly laid down that the only matters to come under the cognizance of the commissioners were *violations of law*, and the means employed for the correction of such matters are limited to those which should be *according to law*. The successive commissions under the Great Seal, though still preserving much of the constitutional language of the original state, became more and more ambiguous and dangerous—the last expressly empowering the commissioners to use the oath *ex-officio*, and to award fines and imprisonments. An appeal lay from such penalties to the courts at Westminster, and the aid of the common law was sometimes thus sought and obtained. But many chose rather to submit to the present evil than, by provoking resentment, to incur a greater. Of the fines imposed in Elizabeth's time, it does not appear that one was *levied* by any judicial process, and this last commission was never enrolled in the court of Chancery, apparently from a fear lest its legality should be questioned. Coke, 4th Inst. 326, 331, 332. In the forty-second year of Elizabeth, one Simpson killed an officer of the commission court, who attempted to make a forcible entry into his house by virtue of a warrant from that authority, and the judges acquitted him, declaring that he had only availed himself of the protection of the law. The tyranny of this court reached its highest point under Charles I.

not bound legally to prosecute in any particular instance. But under the Tudor princes this power was not confined to such narrow limits, though, according to sir Edward Coke, "all grants of the benefit of any penal law, or of power to dispense with the law, or to compound for the forfeiture, are contrary to the ancient fundamental laws of the realm *." This was no doubt the view of the case generally entertained during the age of Elizabeth, and, in consequence, the occasional abuses of this nature which occurred were exceedingly unpopular.

This brief review of the state of the English Constitution and Government when the Stuart family came to the throne cannot perhaps be better concluded than by appealing to the direct testimony of some observant and well-informed persons at that period. Aylmer, bishop of London, in the early part of the reign of Elizabeth, published a work, the object of which was to show that the sceptre of England might be safely entrusted to the hands of a woman, in which he thus expresses himself:—"Well, a woman may not reign in England! Better in England than any where, as it shall well appear to him, that, without affection, will consider the kind of regiment. While I compare ours with other, as it is in itself, and not maimed by usurpation, I can find none either so good or so indifferent. The regiment of England is not a mere monarchy, as some for lack of consideration think, nor a mere oligarchy, nor democracy, but a rule mixed of all these, wherein each one of these have, or should have, like authority. The image whereof, and not the image but the thing indeed, is to be seen in the parliament house, wherein you shall find these three estates, the king or queen, which represents the monarchy; the noblemen, which be the aristocracy; and the burgesses and knights, the democracy. If the parliament use their privileges, the king can ordain nothing without them; if he do, it is his fault in usurping it, and their fault in permitting it. Wherefore, in my judgment, those that in Henry the Eighth's days would not grant him that his proclamations should have the force of a statute, were good fathers of the country, and worthy commendation in defending their liberty. But to what purpose is all this? To declare that it is not in England so dangerous a matter to have a woman ruler as men take it to be. For first, it is not she that ruleth, but the laws, the executors whereof be her judges appointed by her, her justices, and such other officers. Secondly, she maketh no statutes or laws, but the honourable court or parliament; she breaketh none, but it must be she and they together, or else not. If, on the other part, the regiment were such, as all hanged on the king's or queen's will, and not upon the laws written; if she might decree and make laws alone, without her senate; if she judged offences according to her wisdom, and not by limitation of statutes and laws, if she might dispose alone of peace and war; if, to be short, she were a mere monarch, and not a mixed ruler, you might,

* Reports, part vii. p. 63.

peradventure, make one to fear the matter the more, and the less to defend the cause*.”

Hooker, whose views on such a topic must be entitled to the greatest deference, remarks †—“ I cannot but choose to commend highly their wisdom, by whom the foundation of the commonwealth has been laid, wherein though no manner of person or cause be unsubject to the king’s power, yet so is the power of the king over all, and in all limited, that unto all his proceedings the law itself is a rule. The axioms of our regal government are these : *Lex facit regem*—The king’s grant of any favours made contrary to the law is void ;—*Rex nihil potest nisi quod jure potest*—what power the king hath, he hath it by law : the bounds and limits of it are known, the entire community giveth general order by law, how all things publickly are to be done, and the king, as the head thereof, the highest in authority over all, causeth, according to the same law, every particular to be framed and ordered thereby. The whole body politic maketh laws, which laws give power unto the king ; and the king having bound himself to use according to law that power, it so falleth out that the execution of the one is accomplished by the other ‡.”

It will occasion less surprise that the author of the Ecclesiastical Polity should express himself thus, when it is remembered that these views had been published long before, not only by Aylmer, but by a writer possessing more of a kindred spirit with the great defender of the Anglican church. This writer, to whose work we have already adverted more than

* The work from which this extract is taken was published in 1559, in answer to a pamphlet by Knox against female sovereignty, which the reformer had published during the reign of Mary. Knox’s work was intitled as against the “ Monstrous Regiment of Women.”

† It has been justly said that this writer’s account of the origin of society absolutely coincides with that of Locke. He affirms that without the consent of a primary contract, “there were no reasons that one should take upon him to be lord or judge over another ; because, although there be, according to the opinion of some very great and judicious men, a kind of natural right in the noble, wise, and virtuous, to govern them which are of a servile disposition ; nevertheless for manifestation of this their right, and men’s more peaceable contentment on both sides, the assent of them who are to be governed, seemeth necessary—the lawful power of making laws to command whole politic societies of men, belonging so properly unto the same entire societies, that for any prince or potentate of what kind soever upon earth to exercise the same of himself, and not either by express commission immediately and personally received from God, or else by authority received at first from their consent upon whose persons they impose laws, it is no better than mere tyranny. Laws they are not, therefore, which public approbation has not made so. But approbation not only they give, who personally declare their assent by voice, sign, or act, but also when others do it in their names, by right originally at the least, derived from them. As in parliaments, councils, and the like assemblies, although we be not personally ourselves present, notwithstanding our assent is by reason of other agents there in our behalf. And what we do by others, no reason but that it should stand as our deed. B. i., sect. 10. Against all equity it were that a man should suffer detriment at the hands of men, for not observing that which he never did either by himself or others, mediately or immediately, agree unto.” Ecclesiastical Polity, Book i. sect. 10. Book viii, sect. 8.

‡ Ecclesiastical Polity, Book viii. *passim*.

once, was Sir Thomas Smith, a lawyer and a philosopher, who held the office of principal secretary to Edward VI. and Elizabeth. "The most high and absolute power of the realm of England," he says, "consisteth in the parliament. Upon mature deliberation every bill or law, being thrice read and disputed upon in either house, the other two parts, first each apart, and after the prince himself, in presence of both the parties, doth consent unto and alloweth that is the prince's and whole realm's deed: whereupon justly no man can complain, but must accommodate himself to find it good and obey it. That which is done by this consent is taken for law. The parliament abrogateth old laws, maketh new, giveth order for things past, and for things hereafter to be followed, changeth right and possessions of private men, legitimateth bastards, establisheth forms of religion, altereth weights and measures, giveth form of succession to the crown, defineth of doubtful rights whereof is no law already made, appointeth subsidies, tailes, taxes, and impositions, giveth most free pardons and absolutions, restoreth in blood and name, as the highest court condemneth or absolveth them whom the prince will put to that trial. And in short, all that ever the people of Rome might do, either in *centuriatis comitiis* or *tributis*, the same may be done by the parliament of England, which representeth and hath the power of the whole realm, both the head and the body*."

These passages will suffice to show what the 'great principles and theory of our constitution really were in the judgment of the best informed men, during the reign of Elizabeth and James. That the conduct of our rulers was sometimes at variance with these principles is confessed, but the great point to be observed here is, that the *usurpations of a government* do not alter *the nature of a constitution* †. It is ad-

* Commonwealth of England, pp. 36, 37. The puritan leader Cartwright, Hooker's great antagonist, expresses himself on the nature of the English constitution in the following terms:—"In respect of the queen it is a monarchy, in respect of the most honourable council it is an aristocracy, and having regard to the parliament which is assembled of all estates, it is a democracy." Reply to Whityoft, p. 35 and 145.

† Mr. Hume says, as the result of his researches on this subject, "I have not met with any English writer of that age, (the age of Elizabeth and James,) who speaks of England as a limited monarchy, but as an absolute one, where the people have many privileges." Note 2, vol. vi. It was not, according to this historian, until the time of the Stuarts that any doctrine opposed to the "simple and unmixed" monarchy of England "began to be promulgated," nor would any man, previous to the time of Charles I., have been permitted to speak of democracy as an element of the constitution; and as to the power of arbitrary imprisonment, of erecting monopolies, and of doing many similar things, it had not for almost three centuries been "once called in question"! Hist. Ap. to James I. Mr. Hume's principal authority in support of his opinion that the English people under the Tudors regarded the constitution of their country as an "unmixed monarchy" is Raleigh's *Prerogative of Parliaments*—a work which was composed at the instance of James I., and dedicated to him; and which, notwithstanding the sort of concessions to the power of the crown which our author has culled from it, was written for the purpose of teaching just the opposite doctrine to that which has been professedly founded upon it. The object of Raleigh is to show that in making laws, raising money, declaring war, concluding peace, and even in appointing his ministers and judges, the king should

mitted that the free spirit of our old enactments was defended with a degree of intelligence and generosity of sentiment in the reign of James I. which had not previously existed. On the other hand it was reserved to that monarch to place those enactments in new peril, by the novel usage of opposing to them the despotic assumptions of the old Roman law.

The commerce of England in this age, notwithstanding the impediments placed in its way by the ignorance or cupidity of the government, continued to increase. Towards the close of Commerce. Elizabeth's reign, the customs were farmed at 50,000*l.* annually. In 1613 the total of this branch of revenue exceeded 148,000*l.*, and in 1622 it amounted to more than 160,000*l.* In 1613 the customs from the exports exceeded those from the imports by about one-third. In 1622 complaints respecting the decline of trade had become loud and general; and not without an apparent cause, as the comparison of the exports and imports of the year presents a balance against the nation of 300,000*l.* Several causes had contributed to this result. The Dutch had so far improved their woollen manufactures, as to compete successfully with our merchants in the foreign markets. : This staple portion of our commerce was further injured by disputes which arose between our separate traders and the company of merchant-adventurers. At the same time our almost total neglect of the herring and cod fisheries, while the Dutch were occupying themselves in such undertakings with the greatest ardour, tended to increase the wealth, and the naval power of Holland, at the expense of England.

All the more important branches of commerce during this age were carried on through the medium of companies; and these chartered bodies might be found, not only in the metropolis, but in many parts of the country, as at Bristol, Southampton, and Exeter. The company of merchant-adventurers in the last named place claimed their privilege in part on account of the ignorance of a great number of persons who took upon them "to use the science, art, and mystery of merchandise." But a more substantial argument in such cases was the necessity of a larger

not act without the concurrence of parliament. It has been justly remarked, (Edin. Rev. xl. 114.) that there is, indeed, no work of that age, which contains such large and profound views of the change that had taken place in the structure of society, and of the peculiar hazards to which the monarch would then be exposed by attempting to extend his prerogative. Having adverted to the circumstances which broke down the power of the feudal aristocracy, he says, "thus the force by which our kings in former times were troubled is vanished away. But the necessities remain. The people, therefore, in these later ages, are no less to be pleased than the peers before; for as the latter are become less, so, by reason of the training through England, the commons have all the weapons in their hands." And a little after, to the same effect. "The power of the nobility being now withered, and the power of the people in the flower, the care to content them would not be neglected; the way to win them often practised, or at least to defend them from oppression, The motive of all dangers that ever this monarchy hath undergone, should be carefully heeded; for this maxim hath no postern, *potestas humana radicitus in voluntatibus hominum*"—The source of human power is in the will of the people.

capital than private adventurers could furnish. During the reign of James, associations of this nature were formed, or revived, for the purpose of founding colonies or marts in Russia, France, the Levant, Newfoundland, Virginia, (including in those times the whole of English America,) Western Africa, and the East Indies. We have seen how far the spirit of monopoly, which pervaded these enterprises, was extended by the vices of the government to our domestic trade, every kind of occupation or manufacture from which money might be extorted being brought under royal patents for that object.

It was not always the case, however, that the privileged bodies were strictly joint-stock companies, though before the close of this reign they had generally assumed that character. The profits obtained by the Dutch East India Company at this juncture, who were making head rapidly against the Portuguese, were such as to yield a dividend varying from year to year between twenty and fifty per cent. The enterprise of our own country reduced the price of Indian commodities full three-fourths to the English consumer. The profits of this trade were of course great both to the company and the country. The export of less than 40,000*l.* to India led to an export of the produce of that country from England valued at more than five times that amount. The heaviest vessel employed in this trade in 1614, was somewhat less than fifteen hundred tons. The vessels employed in our entire commerce were, including great and small, about a thousand, but it was matter of frequent complaint that our coals, and other productions, were carried to different parts of the world by foreign vessels.

Pacific as was the reign of James, the English ships of war increased under that monarch to double the number left him by his predecessor, though even yet they were little more than twenty. In 1623 the interest of money in England was reduced by law from ten to eight per cent. By a law passed twenty years before, the exportation of corn was forbidden when below 1*l.* 6*s.* 8*d.* per quarter. This law restricted the exportation of other grain after the same manner. The tonnage and poundage, of which so much mention is made in this period of our history, consisted,—the former of a payment of so much per ton on the wine imported, and the latter, of one shilling on every twenty shillings' worth of goods exported or imported, with exceptions as to a few specified articles.

In 1608 James was induced to make an experiment with regard to the staple of our commerce,—woollen cloths, which should be noticed in this place, as showing the still imperfect state of our manufacture with respect to that article, and also the great evil of allowing commercial regulations to depend on the will of the crown or of its ministers. English artizans manufactured our wool into cloth, but it was still conveyed to Holland to be dressed and dyed. James listened to a merchant who proposed that the dressing and dyeing should be done at home, and that England should no longer allow herself to be despoiled in so great a degree

of the fruit of her labours by Holland. A proclamation was accordingly issued, which prohibited the exportation of cloth in the white, as it was called;—a measure which destroyed the existing charter of the merchant-adventurers in regard to that article, and which was so much resented by the Dutch and German traders, that they resolved not to admit the new English cloths among them as a matter of merchandise. Added to which, as might have been expected from the suddenness of the change, the English dressing and dyeing not only proved to be much inferior to the Dutch, but much more expensive. By this means some myriads of industrious people were exposed to idleness and want, and the English monarch, whose sole object was to create a monopoly that might assist in rendering him independent of parliament, was compelled, by degrees, to abandon his scheme. Every channel of industry was liable to be thus disturbed by these royal interferences, and these were in fact so frequent, that the age of James I. has sometimes been described as the reign of proclamations*.

These proclamations were issued in some instances against eating flesh during lent †; sometimes for the purpose of calling on the State of London nobles and country gentlemen to retire from the capital, that

the good order and hospitality of their times might not be neglected ‡; and more frequently to secure improvements in certain parts of the metropolis, and to regulate the number and quality of the houses that might be erected within its walls or precincts. It may deserve notice, that in the third year from James's accession, St. Giles's in the Fields was still a village at some distance from the city, an Act being passed in that year requiring that St. Giles and Drury-lane should be made passable by being paved. About the same time, the distance of a mile, which had separated between Westminster and the city, began to be covered with decent houses, instead of the thatched and mud-walled dwellings which had hitherto been strewn over the space since so well known by the name of the Strand. Another circumstance which bespoke the increasing population and wealth of the capital, was the supplying it with fresh water by the formation of the new river, traversing a course of fifty miles, and crossed by more than two hundred bridges. This great work was completed in 1609. In 1614 the increase of the hay, horse, and cattle fair in West Smithfield made it necessary that the surface of that area should be paved. Of the four hundred vessels engaged in the Newcastle coal trade, two hundred were employed in supplying the capital. James, in one of his proclamations, required all houses raised within the walls of the city to be built with brick or stone,—the thickness of the walls, the height of the stories, and the form of the windows being also described; and persons neglecting these instructions, or building within two miles of the city gates without

* The whole of this account is adopted from Anderson's *History of Commerce*, i. 437—500. ii. 1—20. ed. folio.

† Anderson's *Hist. Com.* ii. 1, 10, 14, 15.

‡ Ibid., i. 497. ii. 13, 14.

special permission, were threatened with such censures as the Star-Chamber had the power to inflict. The principal reasons assigned for prohibitions of this nature both by Elizabeth and James were, the fear of mortality in the case of infectious disorders, the probable want of provisions adequate to the support of so great a multitude, and the difficulty of providing a police numerous enough to detect the vicious, or to put down insurrection. Hitherto the Thames had not been navigable further than within seven miles of Oxford. Towards the close of this reign that remaining extent was made thus available, to the great advantage of both cities—the state of the roads being such as to make land-carriage very tedious and costly *. These facts, relating to the growing importance of the capital are introduced as furnishing the most certain indication with regard to the general improvement of the country. It is amusing to find the ministers of James and Elizabeth complaining of the head as having become in their day greatly disproportioned to the body †!

From the state of commerce, and of the capital, at this period, we pass to notice the complexion of manners in the court, and in the nation at large. With respect to the manners of the court, there was much in the sex, and still more in the character of the late sovereign, which served to impose an attention to decency and decorum on the persons admitted to her presence. But when this check was removed, the frivolous and vicious tendencies among the rising members of not a few leading families, which had been with difficulty restrained, broke forth as through a loosened embankment. James was no sooner settled in his new dominions, than his characteristic fondness for ease and indulgence resumed its influence over him, and as small a portion of time as possible was given to the cares of government. The king indeed used to say that he should prefer resigning his crown, to being greatly burdened with such solitudes, especially while his health, which was in fact the health and welfare of all his subjects, required exercise and relaxation. Hence the pleasures of the chace, or the sport of the cockpit, formed the almost daily occupation of royalty; while at night the court presented a succession of costly and fantastic spectacles, partly in compliance with the taste of the monarch, but more, perhaps, with that of the queen. A courtier, in the year of his majesty's accession, writes "The king came back from Royston on Saturday, but is so far from being wearied or satisfied with these sports, that presently after the holidays he makes reckoning to be there again, or, as some say, to go further towards Lincolnshire, to a place called Ancaster Heath: In the

* Anderson's Hist. Com. i. 467, 469, 477, 491, 494, 498, 499; ii. 1, 17, 18, *et alibi*.

† "About this time (1605) coaches came to be in general use by the nobility and gentry at London, yet hackney coaches in London streets were not yet known, nor stage coaches to and from the country." Ibid., i. 469. "In 1625, hackney coaches first began to ply in London streets, or rather at first stood ready at the Inns to be called for as they were wanted." ii. 20. They were not then more than twenty in number: ten years later they had increased so considerably, that Charles thought proper to check the custom by proclamation.

mean time here is great provision for the cockpit, to entertain him at home; and of mask and revels against the marriage of Sir Philip Herbert with the Lady Susan Vere, which is to be celebrated on St. John's day. The queen hath likewise a great mask in hand against twelfth-tide, for which there was 3000*l.* delivered a month ago*." In these masks there were many indications of learning and genius, and sometimes nearly as many of indecency and bad taste, though their sins against taste, it must be confessed, were less those of individuals than of the times. Theatrical performances of this nature had never been so much in fashion as during this reign. Jonson, the great dramatist, frequently employed himself in composing them. Their want of all natural dramatic interest, and of any thing that could be called dialogue, except as sustained by a few professional assistants, was supplied in some measure by the fabulous and romantic character of the persons, the objects, and the scenes which made up the courtly spectacle. Gods and goddesses rose from the deep, or descended from the skies; and passed and repassed, amid the scenic presentation of earth or heaven in pageant 'grandeur; and in these appearances sang appropriate songs, or gave utterance to mythological or allegorical compliments. The parts of most show, but requiring the least skill to perform, were sustained by the ladies and gentlemen of the court, who not unfrequently became visible, drawn by dolphins, or mermaids, or commanding the services of winged dragons. Childish as we may deem these representations, it is evident that Jonson laboured in the production of them with no ordinary pleasure. The great object of the dramatist on these occasions was to construct, on some historical or mythological foundation, a slight but apposite fable; to enrich it for the select, with allusions drawn from the most recondite sources; to expound it to the eye by symbols of learned significance; and to impart something of the classical and appropriate to the music, the dances, the costly and cumbrous machinery, the various decorations, and the gorgeous dresses, essential to these studied exhibitions of luxury and profusion. And to accomplish this seems to have been to Jonson rather an animating exercise than an irksome labour. "The march of his heroic verse beneath the double weight of erudition and magnificence is unembarrassed and stately, while the dance of his lyric measure is festive, light, and graceful in an eminent degree. Strains of the highest poetry of which the muse of Jonson was capable, animate his masks, while their number and their unfailing variety excite not only admiration but wonder. The glowing sentiments of virtue and heroism with which they abound reflect still higher honour on the poet, but they might almost be regarded as a covert satire on the manners of the court, for which this Samson of learning was compelled to perform his feats of agility and strength †." It is not an unusual thing, however, for pretensions to heroic virtue on the stage to be in some degree fashionable amid the grossest corruption of man-

* Winwood, ii., 41.

† Miss Aiken's *Court and Character of James I.*, i. 209.

ners:—of this we have ample proof in the history of the tragic drama both in France and England.

The indecency adverted to, as sometimes connected with the masks of James I., consisted much more in the mode of exhibiting them, than in the productions themselves. This is ascertained beyond doubt, from the testimony of eye-witnesses. The courtier before cited, writes, that on St. John's day, "the court was great, and for that day put on the best bravery." The occasion, it will be remembered, was the marriage of the lord Herbert with the lady Susan Vere. The mask with which the festivities of the day concluded, is said to have been in "conceit and fashion" quite in keeping with them. The actors were the earl of Pembroke, the lord Willoughby, Sir Samuel Hays, Sir Thomas Germain, Sir Robert Carey, Sir John Lee, Sir Richard Preston, and Sir Thomas Bager. Whatever this performance may have been in some of its parts, its concluding scene afforded a fair specimen of court manners on such occasions. "There was no small loss that night," says our court authority, "of chains and jewels; and many great ladies were made shorter by the skirt, and were well enough served that they could keep cut no better. The presents of plate, and other things given by the noblemen, were valued at 2500*l*. But what made it a good marriage was a gift of the king's of 500*l*. land for the lady's jointure. They were lodged in the council chamber, where the king in his shirt and night-gown gave them a *reveille matin*, before they were up." His majesty went even further, but we have followed him far enough.

The same writer, describing the queen's mask on twelfth-night, remarks, "There was a great engine in the lower end of the room which had motion, and in it were the images of sea-horses, and other terrible fishes, which were ridden by moors. At the further end was a great shell, in the form of a sloop, wherein were four seats; on the lowest sat the queen with my lady Bedford; on the rest were placed the ladies Suffolk, Darley, Rich, Effingham, Ann Herbert, Susan Herbert, Elizabeth Howard, Walsingham, and Bevil. Their apparel was rich, but too light and courtesan-like for such great ones. Instead of vizards, their faces and arms up to the elbows were painted black. The night's work was concluded with a banquet in the great chamber, which was so furiously assaulted, that down went table and tresses before one bit was touched *." Some disorders of this sort, as the effect of intemperance, of a fondness for practical jokes, or of a pure love of mischief, seems to have been thought indispensable to the completeness of these holden exhibitions.

Our best account, however, of these amusements is from the pen of Sir John Harrington. "In compliance," he writes, "with your asking, now shall you accept my poor account of rich doings. I came here a day or two before the Danish king came, and from the day he did come until this hour, I have been well nigh overwhelmed with

* Winwood, ii. 41, 43, 44.

carousal, and sports of all kinds. The sports began each day, in such manner, and such sort, as had well nigh persuaded me of Mahomet's paradise. We had women, and indeed wine too, of such plenty, as would have astonished each sober beholder. Our feasts were magnificent, and the two royal guests did most lovingly embrace each other at table. I think the Dane has strangely wrought on our good English nobles, for those whom I never could get to taste good liquor, now follow the fashion, and wallow in beastly delights. The ladies abandon their sobriety, and are seen to roll about in intoxication. In good sooth, the parliament did kindly to provide his majesty so seasonably with money, for there has been no lack of good living, shows, sights, and banquetings, from morn to eve.

“ One day, a great feast was held, and after dinner, the representation of Solomon's Temple, and the coming of the queen of Sheba was made;—or I may better say, was meant to have been made—before their majesties, by devise of the earl of Salisbury and others. But alas! as all earthly things do fail to poor mortals in enjoyment, so did prove our presentation hereof. The lady who played the queen's part carried most precious gifts to both their majesties, but forgetting the steps arising to the canopy, overset her caskets into his Danish majesty's lap, and fell at his feet; though I rather think it was in his face. Much was the hurry and confusion;—cloths and napkins were at hand to make all clean. His majesty then got up, and would dance with the queen of Sheba; but he fell down and humbled himself before her, and was carried to an inner chamber, and laid on a bed of state, which was not a little defiled with the presents of the queen, which had been bestowed on his garments, such as wine, cream, beveridge, cakes, spices, and other good matters. The entertainment and show went forward, and most of the presenters went backward, and fell down, wine did so occupy their upper chambers. Now did appear in rich dress, Faith, Hope, and Charity. Hope did assay to speak, but wine rendered her endeavours so feeble, that she withdrew, and hoped that the king would excuse her brevity. Faith was then alone, for I am certain she was not joined with good works, and left the court in a staggering condition. Charity came to the king's feet, and seemed to cover a multitude of sins her sister had committed; in some sort she made obeisance, and brought gifts, but said she would return home again, as there was no gift which heaven had not already given his majesty. She then returned to Faith and Hope, who were both sick in the lower hall. Next came Victory, in bright armour, and by a strange medley of versification, did endeavour to make suit to the king. But Victory did not triumph long, for after much lamentable utterance she was led away like a silly captive, and laid to sleep on the outer steps of the antechamber. Now Peace did make entry, and strive to get foremost to the king; but I grieve to tell how great wrath she did discover unto those of her attendants, and much contrary to her semblance, most rudely made war with

her olive branch, and laid on the pates of those who did oppose her coming."

This writer expresses his wonder at these proceedings. They brought to his remembrance the pageantries of this sort which had their place among court amusements in the days of the late queen, and in which he had himself sometimes taken a part. But the "lack of good order, discretion, and sobriety" which he now witnessed, were a novelty to him. "I have passed much time," he adds, "in seeing the royal sports of hunting and hawking, where the manners were such as made one devise the beasts were pursuing the sober recreation, and not men in quest of exercise or food. I will now in good sooth declare to you, who will not blab, that the gunpowder fright is gone out of all our heads, and we are going on hereabouts as if the Devil was contriving every man should blow up himself by wild riots, excess, and devastation of time and temperance. The great ladies go well masked, and indeed the only show of their modesty is in concealing their countenance; but alack! they meet with such countenance to uphold their strange doings, that I marvel not at ought that happens. The lord of the mansion is overwhelmed in preparations at Theobald's, and doth marvellously please both kings with good meat, good drink, and good speeches. I do often say, but not aloud, that the Danes have again conquered the Britons, for I see no man or woman either that can now command himself or herself*."

Now this description, it will be remembered, is not that of a morbid puritanism, but one coming from a man whose temper and habits were in nothing alien from the usual gaieties of a court:—nor was there anything in the conduct of James towards the writer that can be regarded as disposing him to look on the English court at this time with an eye of prejudice.

Added to the intemperance described, and to the many secret or open vices attendant on it, was the practice of gaming, which the king not only encouraged on all occasions by his presence, but by frequent participation. The temperament of James, and other causes, made him almost insensible to the attraction of women; but he had always much to do with intrigues relating to them as prosecuted by others, a memorable instance of which we have in the affair of the countess of Essex. It is not a trivial portion of the guilt attaching to that detestable transaction which rests upon the sovereign; and the difference of natural constitution makes the encouragement given to licentiousness by a Charles II., almost excusable when compared with the same conduct in a James I. In brief, the leading characteristics of the English court under the first of the Stuarts may be said to have been frivolity, intemperance, looseness of principle generally, and especially an habitual opposition to every thing connected with the liberty of the subject, and to every graver view of religion;—and all these traits in the court resulted in no small degree

* *Nugæ Antiquæ*, i. 348—350.

from the character of the monarch. There were, no doubt, exceptions to this order of things, but they were mere exceptions. There are incidents connected with the divorce of the countess of Essex, and her marriage with the royal favourite; and with the manner in which her resentment, and that of her paramour compassed the murder of Overbury, which show that the depravity of the English court at this period was even of a darker complexion than anything in the representations we have made would indicate. The perseverance and the incaution with which that atrocious deed was accomplished, discover a boldness, and a steadiness of purpose in doing wrong, which could not have been evinced, had not the favourite deemed himself a person sufficiently powerful to prevent all investigation, and had not the instruments of his evil purposes shared in his confidence in this respect. Bacon and Coke saw the matter in this light, and laboured for the conviction of these "wicked spirits in high places," as for the destruction of a power which had defied the sovereignty of the law. Hence, the proneness to intoxication, and the idle revelries which had become so prevalent in the court, were not the only objects of imitation beyond its limits*.

Something of the spirit of society in the metropolis at this time may be perceived in the nature of those public ordinaries, State of man- which now became common in the city and its neigh- ners and soci- bourhood. Those tables were soon known as a place ^{ety} in London. of very general resort to persons in the middle and higher classes of society, and scenes where they contributed with singular success to deprave each other. The repast in those places was too generally followed by inebriation; in this state the less suspecting were lured to the board of the gamester, and, in the end, often became victims of the sharper and the money-lender, perhaps of the duellist. Debauchery of every description followed in the train of these evils. In such schools a large portion of the cavaliers of the next reign were formed†. It is amidst the growing

* Before we leave the English court, we may mention here, as a further illustration of its state of manners during this reign, the exploits in the way of conviviality and pageantry which gave to a young Scotsman named Hay, afterwards the earl of Carlisle, so much celebrity. The gaiety and extravagance of this person made him a sort of favourite with James, soon after his accession. Weldon says that the young earl spent not less than 400,000*l.* in furnishing magnificent entertainments, the whole of which sum he had obtained from the bounty of the sovereign. p. 271. And this person, the taste and expense of whose suppers were the topic of remark everywhere, was equally distinguished by the costliness and elegance of his wardrobe and equipage. Wilson says that one of his meanest suits was "so fine as to look like romance, and savour rather of fancy than reality." On his embassy to Holland, he paid the innkeepers on the road he did *not* travel, supposing they *might* have made preparations for the possible event of his honouring them with his presence; and on making his entry into the French capital, his horse was shod with silver, but so loosely, that at each curvet the noble animal cast off his glittering shoes in the view of the spectators, a silversmith being at hand to "take others out of a tawny velvet bag and tack them on, to last until he should come to another occasion to prance and cast them off."—153, 94.

† In 1620 the licensing of the gaming-houses of London and Westminster was granted as a means of payment to Clement Cottrell, groom-porter of the king's

prevalence of such manners that contemporary writers—themselves no precisionists in religion—begin to publish their complaints with respect to “the notorious debauchery of the episcopal clergy.” Already the term puritan had become a designation of reproach which the profligate were pleased to cast on every appearance of conscientiousness, whether relating to the affairs of this world or the next. “Under that term,” says Osberne, “were comprehended, not only those brain-sick fools who opposed the discipline and ceremonies of the church, and made religion an umbrella to impiety, but such as out of mere honesty restrained the vices of the times were branded with this title. Neither was any being charged with it, though of the best relation, thought competent to preferment in church or commonwealth; which made the bad glory in their impiety, and such as had not an extraordinary measure of grace, ashamed of any outward profession of sanctity. Court sermons were fraught with bitter invectives against these people, whom they seated far nearer the confines of hell than papists. To avoid the imputation of puritanism—a greater sin than vice in the way of preferment—our divines, for the generality, did sacrifice more time to Bacchus than to Minerva, and being excellent company, drew the most ingenious laity into a like excess.* ”

Dean White, who was no puritan, but a prelatist of a different order from “the generality,” above described by Osberne, addressed himself to a London auditory in the following terms. “No sin is so great, but it is among us, and the greatest sins many times either least punished, or not at all. And this course is so general, that he begins to be counted very precise that will not swear and swagger with the worst. The torrent of these things is so strong that it seems manifestly to tend to the dissolution of society. Three things maintain society—religion, justice, and order. Religion is pitifully violated by atheism, blasphemy, heresy, and horrible profaneness. Justice is destroyed by oppression, rapine, bribery, extortion, and partiality. Government and order are profaned by contention, by contemning the magistrate: I have often seen the magistrate faced and almost brow-beaten, as he hath gone by. But that due observance and honour, that, by baring of the head, bowing the knee, showing awful respect, they should yield to the public magistrates

household. The grant from the king was “to license places for the use of cards, dice, bowling-alleys, tennis-courts, and such like diversions,—viz. within London and Westminster, and the suburbs of the same, twenty-four bowling-alleys; in Southwark, four; in St. Catherine’s, one; in the towns of Lambeth and Southwark, two; in Shoreditch, one;—and in every other burgh, town, village, or hamlet, within two miles of the city of London and Westminster, one bowling-alley. Also within the said cities, and within two miles thereof, fourteen tennis-courts. And to keep play at dice and cards, forty taverns, or ordinaries, within the same limits.” All this his majesty states, was “for the honest and reasonable recreation of good and civil people, who for their quality and ability may lawfully use the games of bowling, tennis, dice, cards, tables, nineholes, or any other game to be hereafter invented.”—Rymer, xvii. 236.

* *Memoirs*, 440—448.

is so honorable a city, I have seldom seen." The preacher complains also, as is usual in such cases, of the excess of apparel. "The walls of Babylon," he exclaims, "might be kept in repair for as little cost as our women are; when a lady's head-dress is sometimes as rich as her husband's rent-day." The men, he remarks, were in this respect little better, and the evil was altogether so desperate, that he could not hope to see it controlled. As to drunkenness, it is described as so general "through the kingdom," that the Germans were likely "to lose their charter" in that kind of indulgence*.

In general, these pulpit representations should not be applied to the purposes of history without some material deductions. But in this instance the report of the layman from his study, and of the clerk from his rostrum, are to the same effect. Thus this same Dr. White complains of the city theatres as being scenes of the greatest disorder and profanity;—and the secretary Winwood at the same time writes, "The players do not forbear to present upon their stage the whole course of this present time, not sparing either king, state, or religion, in so great absurdity, and with such liberty, that any would be afraid to hear them †." It is somewhat singular, and perhaps to his credit, that James should so far have permitted this license †. But a piece called *Eastward Hoe*, produced by Jonson, Chapman, and Marston, contained a satirical passage on the Scotch residents in England, which gave so much offence to persons about the sovereign, that the authors were committed to prison and in danger of losing their ears, or of having their noses slit §. The free satirical temper of the drama at this time was, in part, an effect of the spirit of the age, and re-acted on that spirit, upon the whole, with advantage.

We know not how far the incentives of the theatre may have contributed to the excesses of those bands among the London populace, who, under the name of Roaring Roys, and Roysters, and other designations, beset the streets of the city at night, assailing the peaceable inhabitants, and spreading general alarm. But so much of turbulent material was there in the capital, and so manifestly feeble was the government,

* Works, pp. 10, 24, 35. ed. 1624.

† Winwood, ii. 54.

‡ James's love of wit, or of what he took for it, had something to do with his forbearance in this respect. Howell, in one of his letters, writes, that the king, while listening to the reading of an abusive satire upon his court, declared once and again, that the author should "hang for it,"—but when the concluding couplet came,

"Now God preserve the king, the queen, the peers,
And grant the author long may wear his ears!"

the monarch exclaimed, "By my soul, so thou shalt for me; thou art a bitter, but thou art a witty knave."—Part I. Let. 30.

§ Jonson's mother is said to have procured poison for the purpose of taking it herself and administering it to her son rather than see him subject to so ignominious a punishment. But James had too much respect for the poet to make it probable that he would proceed to such extremities.

that these disgraceful uproars seemed to bid defiance to all possible attempts to suppress them.

While the lower class of the people often gave vent to their restlessness in these nightly frays, and those a degree above them did the same in the course of the exhibitions at the theatres, professional and educated men had other places and modes of expressing their humour with regard to the occurrences of the day. "It was the fashion of those times," says Osberne, "and did so continue till these (wherein not only the mother, but her daughter are ruined), for the principal gentry, lords, courtiers, and men of all professions, not merely mechanics, to meet in St. Paul's church by eleven, and walk in the middle aisle till twelve, and after dinner from three to six. During which time some discoursed of business, others of news. There happened little that did not first or last arrive here. And I being young, and wanting a more advantageous employment, did, during my abode in London, which was three fourths of the year, associate myself at those hours with the choicest company I could pick out among such as I found most inquisitive after affairs of state; who being then myself in daily attendance upon a hope (though a rotten one) of a future preferment, I appeared the more considerable, being as ready to satisfy, according to my weak abilities, their curiosity, as they were mine: who, out of a candid nature, were not ordinarily found to name an author, easily lost in such a concourse, where his own report was not seldom in a few minutes returned to him as news by another. And the *newsmongers*, as they called them, did not only take the boldness to weigh the public, but the most intrinsic actions of the state, which some courtier or other did betray to this society; among whom, divers being very rich, had great sums owing them by such as stood next the throne, who by this means were rendered in a manner their prisoners.*"

There does not appear therefore to have been any want of interest with regard to public affairs in any class of people during the reign of James I. Nor must we suppose that the debasement of manners was such as to have left small space for genuine patriotism, or for the operation of that natural sense in regard to what is wise and equitable in affairs of government on which the intelligent few devoted to the welfare of their country depend for the success of their plans.

It should be added, before concluding these remarks on the manners of the metropolis, that the "London Apprentice," and the fortune-teller, were persons of much notoriety in those days;—the former as being ever ready to join with his fellows in an enterprise of mischief; and the latter as a functionary whose secrets were in request among a large class of every portion of society, from the peeress down to the serving maid. Mrs. Turner, who was executed at Tyburn, in con-

* *Memoirs*, 449, 450.

sequence of her professional dealings with the countess of Essex, was at the head of the diviners of her day. Many persons from the circles of fashion, and of both sexes, were present in their carriages to witness her end. It may also be worth while to remark that the red coats, as they were called, whose courage saved the credit of the parliament army at Edgehill, consisted mostly of men who had passed their youth in London, and whose apprentice frays we may suppose had prepared them, in some measure, for the shock of a graver conflict.

In the country there was doubtless less vice than in London; but generally there was also less intelligence, and, we may add, Society in the less public spirit. Eating, drinking, and the sports of the country. field, formed the chief occupations of not a few among the gentry, and the dependents of such men would not aspire to any thing more elevated. We have an account of the king's entertainment at the house of Oliver Cromwell, uncle and godfather to the subsequent Protector, which presents an instructive picture of the sort of establishment which distinguished this class of English gentlemen at the commencement of the seventeenth century. It is related, that James, on his way from Scotland, "passed in state to Master Oliver Cromwell's house, where his majesty, and all his followers, with all comers whatsoever, had such entertainment as the like had not been seen in any place before since the first setting out from Scotland. There was such plenty and variety of meats, such diversity of wines, and those not riff-ruff, but ever the best of the kind, and the cellars open at any man's pleasure. And if it were so common with wine, there is little question but the butteries for beer and ale were more common. As this bounty was held back to none within the house, so, for such poor people as would not press in, there were open beer-houses erected, wherein there was no want of bread and beef for the comfort of the poorest creatures. Neither was this provision for the little time of his majesty's stay, but it was made ready fourteen days, and after his highness's departure to as many as had mind of it." We learn further, that on parting from his sovereign, Master Cromwell presented him with a choice number of hawks, hounds, and horses, with many other proofs of loyalty; especially a large gold cup, distributing fifty pounds as a farewell token among his followers. This generous commoner lived to see the protectorate of his godson, but never deigned to solicit his favour; though much before that time his jovial habits had greatly diminished his inheritance*.

It is obvious that mansions of this description were more likely to be the schools of cavaliers than of roundheads, and in fact, it was in such connexions chiefly that Charles found those chivalrous untaught sentiments of loyalty which enabled him to maintain so protracted a warfare in so doubtful a cause. The nobility at this time were few in number,

* Nichols's Progresses, III. ubi supra.

and their weight in society was small, compared with that of the more substantial commoners. There are facts also which show that among those commoners, the majority were more restrained in the matter of animal indulgence, and more discriminate in the matter of loyalty, than Master Oliver Cromwell appears to have been. When in Northamptonshire alone we find some "three or four score gentlemen" signing a petition to the king in favour of the puritan clergy, well knowing how obnoxious the sufferers were to his majesty; and when we find in every parliament and session of this reign that the great majority in the commons consisted of men who were not to be either menaced or inveigled into a neglect of popular interests, whether as relating to the church or the state, we are justified in looking to the gentry of England in those times, as forming, on the whole, a healthy portion of the body politic. We have said nothing with respect to the frivolity and corruption of the court, that is not borne out but too manifestly by facts; and society, especially in the capital, became seriously tainted by its complicated vices:—but it so happened, that throughout the reign of James I., if we except what is indicated in the proceedings of the lower house of parliament, the impurities of the social state, as forming the most patronized portion of it, were constantly floating on the surface, and accordingly appear to be much more considerable as compared with the mass than they really were. There was an under current, deep and powerful, with which these light and filthy properties had little connexion. This is placed beyond all reasonable doubt by the character of the men who were sent to parliament, not only from the boroughs, and cities, but from the counties; and by the general struggle of the next reign in favour of the principles of which those men were the unwearied advocates. For this, however, the people were indebted, under the favour of heaven, to themselves, not to the house of Stuart.

But if the influence of the court was so far limited with respect to the morals and spirit of the nation, it is not less gratifying to perceive that there were circumstances which conferred a similar exemption on our literature. Not that this matter, any more than our natural sense of justice and moral propriety, was without its injuries from that source. The great fault of our prose-compositions at this period was in a quaint pedantic mannerism:—while in our poetry, these blemishes were increased by an affected adulatory language in reference to the fair and the powerful; and, in productions for the theatres, by a frequent, and often, it would seem, a studied indecency. This last fault, which is too broadly and frequently indulged to be endured by any modern auditory, is said to have been no more prominent than was imperatively demanded by the taste of the play-goers; so much so, that pieces by authors who seem most censurable on this account are reported to have failed simply in consequence of their not

being sufficiently adapted to the prevailing taste for grossness and obscenity. Shakspeare, though by no means innocent in this respect, is much less an offender than any man of his time; but it seems to have required all his genius to gain for him impunity in so far refusing to cater for such appetites. The inference to be deduced from this fact with respect to the condition of a large portion of society in the metropolis is too obvious to need pointing out.

But admitting these grave exceptions, and some others of less weight, there remains enough in the productions of the English mind from about the middle of the age of Elizabeth to the beginning of the civil war, to render it certain that, with respect to the achievements of original genius, this is the brightest period in our history as a people,—or, perhaps, in the history of any people. It was not an age of the most refined taste, nor was its knowledge so extended, or in all respects so skilfully exhibited and applied as in later times; but no other half century had done so much to discover and accumulate those precious materials with which the taste and the reason of man were meant to be conversant, nor so much, in fact, to improve those faculties themselves. The momentous freedom conferred on the human mind by the reformation, the sharp collision of its powers immediately consequent on that event, and the fashion of patronizing literary men which obtained in the court of Elizabeth, were among the more proximate causes of this brilliant era in our literary history. The works produced during this interval, though partaking of the greatest variety, all bear a sort of family impress, and intimate the operation of causes at once prevalent and powerful. One remarkable feature in them is, that whatever their faults may be, they were not themselves exotics, but almost uniformly characterized by an untrammelled freedom, by a singular fearlessness, and by a larger share of originality than ever adorned the creations of the human spirit. For it must be remembered, that to aid the minds of this period, scarcely any thing had been done at home, and that a tacit agreement seems to have been formed not to submit to vassalage from abroad. Such was far from being the case in France under Lewis XIV., in Rome during the reign of Augustus, or even in Greece during the age of Pericles. Before the day of that munificent statesman, the colonies of Asia Minor, and the inspiration of Homer, had supplied the Athenians with all the elements of their ultimate greatness. The interval in which these nations gave existence to their great models of art or genius was in each instance short—each people seeming to have but their one brief season of harvest, which neglected, was never to return. But in our own case the harvest season was not only short, as in theirs, but it seems almost to have come without its seed time, as though the soil had only needed to be slightly disturbed, in order to send forth its treasures with all the spontaneousness, variety, and power of nature.

It is true, the languages which contained the remains of ancient learning and genius were commonly and assiduously studied;—but it is not less true, that the works of those ancients were far from being regarded as affording the only, or even the best guides to excellence. There was a buoyancy in this spring time of our national faculties, if we may so speak, which prevented sympathy with views that have so often repressed the native and varied powers of the mind, and doomed men to be mere copyists of the past, who might have created models for the future. The dramatists of this period selected their materials from the ancients or the moderns at pleasure, but it was that, in their luxurious freedom, they might fix their own impress upon them: Their scenes might be placed in other lands, or in distant times, but the development of those scenes is generally rather native than alien,—the picture of present manners more than of the past. This may not be deemed creditable to their learning or their judgment, but it proved the source of much in the character of their works, which makes them peculiarly interesting and valuable to us, and was particularly favourable to that bold originality, which, with all its faulty accompaniments, places them in such advantageous contrast with works of the same description in a later and more critical age.

Among the prose-writers whose productions contribute to render this period so illustrious are Sidney, Hooker, Raleigh, and Bacon, with whom it commenced; and Hall, Hobbes, Taylor, and Clarendon, with whom it closed—all men whose minds were formed at this juncture, though the principal works of some of them did not appear until afterwards.

The poetry, however, of this age, beginning with Spenser and ending with Milton, is more remarkable than its prose. It embraces the whole of that class of writers who are known under the name of our “old dramatists.” These include the names of Green, Marlow, Lyly, Legge, Lodge, Shakspeare, Daniel, Beaumont and Fletcher, Marston, Chapman, Middleton, Jonson, Field, Dekker, Webster, Ford, Rowley, Massinger, Suckling, Heywood Phillips, and Heminge, not to mention others. Now the student of our literature who shall apply himself to the study of these writers, even the greatest among them, must not come to his object with a mind pledged to admire nothing which fails to have been perfected according to the principles of a later criticism. In these works he will find the most elaborate proofs of learning and knowledge, the richest fund of thought; sallies of fancy and imagination, sometimes the most energetic, and sometimes the most playful, and often the most dexterous anatomy of the human heart, and of its workings;—but all this he must expect to meet in connexion with many things so feeble and fantastic as to make it difficult at times to suppose that the one and the other proceeded from the same mind, or even belonged to the

same age. The traveller in a strange land should not allow what is strange to unfit him for perceiving what is excellent. Nor should the blemishes of some things be suffered to prevent his seeing the beauty of others. And let this humanized discrimination—a compass and mellowness of thought of this sort, be brought to an examination of the works now adverted to, and the effect must be a large amount of gratification and improvement.

England, at this time, had no school of art; and her science existed in embryo rather than in any advanced state. From the accession of the house of Tudor, the patronage of sovereigns The arts. and of the nobility had served to attract foreign artists to our shores, and to diffuse a considerable taste for painting. Sir Antonio More visited this country for the practice of his art in the reign of Philip and Mary, and was followed by several painters of talent from Holland and Flanders, until the day when Rubens and Vandyke were so much employed in depicting our leading men. Elizabeth discovered a fondness for the possession of pictures, and was surpassed in her zeal in this way by lord Buckhurst, whose collection of portraits, it is said, may still be seen at Knowle. Music also was deemed an important branch of general education with both sexes. The lessons for the virginal practised by Elizabeth show her proficiency, and the viol de gamba might not only be seen on the walls of every respectable house, but often heard in the shop of the barber, who found his advantage in having some one to amuse his guests by this means. A music-seller in London, toward the close of the reign of Elizabeth, thus expresses himself in a dedication to one of his works on the then taste for music in the capital. “ Since I first began to keep house in this city, it has been no small comfort unto me, that a great number of gentlemen, and merchants of good account, as well of this realm as of foreign nations, have taken in good part such entertainments of pleasure as my poor ability was able to afford them, both by the exercise of music daily used in my house, and by furnishing them with books of that kind, yearly sent me out of Italy and other places, which being for the most part Italian songs, are, for sweetness of air, very well liked of all, but most in account with them who understand the language*.”

Architecture, in its more matured state, occupies a high rank among ornamental arts, and is intimately connected with some of Architecture. the most important branches of science. Inigo Jones is almost our only name in this department at the period under review, and of him it is not a little to say that, if inferior to Sir Christopher Wren in mathematical and general knowledge, and in native expanse of mind, he has been described by some as upon the whole the superior of that artist in taste, and as more of an architect by education, and,

* *Musica Transalpina.*

though unequal, he was certainly capable of imparting to his works some features both of beauty and grandeur. His principal works are seen at Greenwich, in the chapel at Whitehall, and in the hall and chapel of Lincoln's Inn; but the watergate at York-buildings is regarded as his most beautiful production.

With respect to the natural sciences, nearly everything relating to their state during this period may be found in the writings of Bacon. It was reserved to the genius of that extraordinary man to direct the scientific mind, not only of his country, but of Christendom, into the true path of knowledge; to call the attention of men from metaphysical abstraction to the facts of nature; and in this manner to perform the two most important services that could be rendered to the future world of philosophy,—first, by indicating how much it had to unlearn, and how much to acquire; and secondly, by pointing out the method in which the one process and the other might be successfully conducted. This was not to be done, except by a mind well informed as to the existing state of scientific knowledge, and one which might furnish from the stores of its own intelligence many of the seeds of positive improvement. But the object of Bacon was less to effect a marked progress in any one field of inquiry, than to show how the whole might be cultivated so as to exclude the thorn and the briar, and to make the soil productive in a hundred fold. The conclusions admitted into the Baconian system of knowledge were all to be deduced from the ascertained facts of the physical universe, and from these facts selected in sufficient numbers, and so far examined and compared, as to impart to the conclusions deduced from them the character of certainty and law. The dependence, accordingly, of this system on the most rigid and comprehensive processes of experiment has obtained for its illustrious author the title of “the Father of Experimental Philosophy.” Not that experiment—the examination of nature's self—the interrogating, as it is called, of her appearances, had been hitherto wholly neglected. The name of Roger Bacon, and the history of alchemy, are enough to show the contrary; and, while Galileo was the contemporary of our great countryman, Kepler, Tycho Brahe, and Copernicus were among his predecessors; and Gilbert had investigated the laws of magnetism upon the purest principles of rigorous induction. But, unhappily, the experiments made were, generally speaking, so isolated, so devoid of comprehensiveness and system; and, above all, the metaphysics of the Schoolmen were allowed to dominate so injuriously over the whole region of physical things, that the rays of truth which had been elicited by this means were too often made to do the office of the *ignis fatuus*, rather than any better service. Hence what the age of Luther was in regard to our religious faith, the age of Bacon was in

regard to the whole domain of natural science. Both had their precursors, but both had so great a work to perform as to be justly esteemed the parents of the mighty revolution which followed them. Boyle, Locke, and Newton, have their place among the illustrious progeny of our great scientific reformer; while on the continent, the progress of the human intellect during the two most enlightened centuries in the history of mankind has only served to render it certain that the name of Bacon will never cease to attract the homage of civilized humanity.

CHARLES THE FIRST.

CHAPTER I.

Character of Charles I. on his accession—A new parliament—State of parties, the lords, the commons, court party, country party, including the patriots and Puritans—Proceedings of parliament—Petition against the Catholics—Case of Dr. Montague—Cautious temper of the commons—The recess—Proceedings in parliament at Oxford—Delays of the commons—Impatience of the king—Parliament dissolved—Conduct of the king's first parliament considered—Attack on Cadiz—Disagreement with respect to the Queen's attendants—Negotiations with foreign powers—Preparations for assembling a second parliament—Conduct of Charles towards Arundel and Bristol—Its impolicy—The Commons—Impeachment of Buckingham—Parliament dissolved—Nature of the dispute between Charles and the Commons—Expedients to raise money.

THE conduct of Charles while prince of Wales had not been such as to render him in any respect popular previous to the part which he took with Buckingham in relation to the Spanish accession. The prince, indeed, appears to have been a frequent witness of those degrading exhibitions which attached so much disgrace to the private life of his father, though it is not ascertained that he manifested any steady disposition towards such excesses. There were those who regarded him at that time as a man of veracity and understanding, and who looked forward with much hope to his accession. But the more general impression with regard to him seems to have been less favourable. The French ambassador, Tillieres, in 1621, describes the actions of the heir-apparent as affording but small indication of a virtuous disposition, and states, as a consequence, that he was then despised and hated as much as his sister was honoured and beloved. In the following year the same person ventures to predict that the good qualities which the friends of the prince attributed to him would be found wanting on his accession to the throne; the fact of his having lived to such an age without giving proof of anything good or generous rendering it highly probable that he would ere long become addicted to the vices of his father*. Even those who judged more favourably com-

* Raumer, ii. 261, 270, 271. Tillieres also intimates that "passions for women" had to do with the sudden intimacy which arose between the prince and Buckingham; and in one of the most disgusting scenes, with which we are acquainted in the private life of James, Charles is described as a party. "When he was full of sweet wine he took the prince of Wales by the hand, led him to the lords and ladies, and said there was a great contention between the prince and himself as to which of the two best loved the marchioness of Buckingham. After having recounted all sorts of reasons for and against, he drew some verses from his pocket, which the poet Jonson had written in praise of the marchioness, then read some others of his own invention, and swore he would stick them on all the doors of his house to show his good will. . . ." What follows does not admit of transcription. "Had I not received this report from trustworthy persons," says Tillieres, "I should have considered it impossible." Ibid. ii. 260, 261.

plained of the coldness which characterised his demeanour on all occasions, and sometimes spoke of this peculiarity in a young man as no good omen for the future. But the conduct of Charles in opposing himself to the alliance with Spain was so acceptable to the people, that they were at once disposed to acknowledge whatever was good in him, and even to invest him with many imaginary excellencies. And whatever occasional influence the impure manners of James may have had on the prince, it is the testimony of those who were both the contemporaries and the opponents of the new monarch, that the English court on his accession underwent a marked improvement, not only becoming more decent in its manners and correct in its morals, but exhibiting a greater seriousness, and a more apparent sincerity, on all matters having any connexion with religion*.

But neither the recent conduct of Charles, nor the confidence which the people are generally disposed to place in a new sovereign, was sufficient to induce the house of commons to forget that their great mission at this juncture was to adopt means which should more effectually secure the dominion of the law against the encroachments of the prerogative, and that even the better order of princes were not often found to submit to such restraints without reluctance. Nor was Charles long in placing it beyond doubt that his temper was by no means of a quality to bow with readiness to such restrictions. We learn from his private correspondence previous to this time, that his views with regard to the authority of the crown in relation to parliaments were very much those which James had so often avowed. In the judgment of the prince, the parliament of 1624 would have no ground for discontent if the authority of the sovereign should be employed to interdict that assembly from all future speaking on the affairs of Spain, whether as relating to the war or the marriage†.

But coming to the throne with the intention of exercising powers of this nature, nothing could be more impolitic than the determination of Charles to burden his government with all the difficulties inseparable from a war with Spain. To that measure, in consequence of giving himself up to the resentments of Buckingham, the monarch was more strongly disposed than any class of his subjects; and he does not appear to have seen that, by this course of proceeding, he must necessarily involve himself in large expense; that to meet this expense large supplies from parliament would be indispensable; and that this dependence on parliament for money would certainly produce, according to all former experience, a collision between the pretensions of the commons and those of the crown. Had Charles been aware of this natural order of events, he would no doubt, by guarding against it, have deferred, perhaps have prevented, that further developement of the principles of English liberty which was so soon to be realized.

* Memoirs of Col. Hutchinson, i. 65.

† Hardwicke Papers, i. 456, 457.

The accession of a new sovereign required that a new parliament should be assembled ; and Charles, confiding in those who assured him of popularity, and of success in the plans which now engaged his attention, stated his financial difficulties with freedom, and called upon the representatives of the people to furnish him with an immediate and a large supply. The present house of commons consisted in a great degree of the same persons who had constituted the last, but it was not strictly the same body which had concurred with the resentment of Charles, and still more with that of Buckingham, in the project of a war with Spain. Beside the slight alteration which had taken place in the composition of the lower house, time had been afforded for calculating the probable result of the intended hostilities, and for inquiry and reflection with regard to the causes of that eagerness to plunge into them which was manifested by Buckingham, and hardly less by Charles himself. But in the mind of the sovereign and the favourite an indication on the part of the commons of the slightest disposition to draw back would only operate as a new motive to perseverance, nothing being in a greater degree mortifying to their pride and resentment than to appear as if controlled in such a matter by the fickleness or ill humour of a popular assembly.

It has appeared, that in the parliament of 1621 something like a regular opposition to the policy of the court had manifested itself in the house of peers, as well as in the commons. This was a novel circumstance in the history of that reign ; and indeed we meet with scarcely anything resembling it while the sceptre was swayed by the house of Tudor. The appearance of such a temper in the upper house at this time resulted in part, as we have before explained, from the meddling arrogance of Buckingham, and in part from that onward spirit of the times which forced even the most sluggish minds, and those least disposed to innovation, into new modes of thought and feeling. At the head of these opposition peers was the earl of Pembroke, who had ten proxies at his command, being only three less than were understood to be at the disposal of the favourite*. It may be observed here, that not long after this time it was resolved that no peer should hold more than two proxies, and this regulation is still in force.

But it is to the lower house that we must look for the spirit of the country at this crisis. We find nothing in its composition to warrant us in suspecting that any portion of its members had an intention to demolish either the throne or the ecclesiastical establishment, or to detract from what they regarded as the true glory of the one or the other. What constituted the proper dignity of a monarchy, and of a national church, was matter of debate, but beyond this point the controversy had not at present extended.

* Lords' Journals, lii. 431.

The court party consisted of persons who supported the pretensions of the crown, and who in most cases were content to follow the advice of its ministers. But many of those pretensions were now so generally questioned, and questioned with so much warmth, that the men most concerned to sustain them were obliged to prosecute their object with some concealment and indirectness. Some attempt, indeed, was made, by certain individuals who had passed most of their time in foreign courts, to reconcile their countrymen to an arbitrary government at home by a reference to the wooden shoes and coarse fare which fell to the lot of its victims abroad. But the reception given to these oratorical displays was such as to make them of short duration*. The leaders of this party generally pursued a wiser course. They would not be described as the abettors of tyranny or superstition. On the disputed points relating both to civil and ecclesiastical government they were careful to suggest some more favourable interpretation of their conduct, insisting that the difference between themselves and their opponents was by no means so considerable as was commonly supposed, and that in fact it had respect much less to the end to be pursued than to the mode of attaining it. Thus with regard to the Protestant religion, their attachment to it was not less than that of any portion of the community, though they were certainly disposed to look with less disaffection than their opponents on many ancient usages retained in the national church; and with regard to civil government, they were really anxious that it should be guided in all ordinary cases by the known provisions of the law, but they must be allowed to assert that there were novel and extreme cases, for which neither the statutes nor the usages of the realm had provided any adequate remedy, and the manner in which those should be treated was left by the constitution to the discretion of the crown and its advisers.

The court party.

The country party listened to all statements of this description with suspicion. Such language was regarded by them as the cover under which the enemies of their country were endeavouring to perpetuate every sort of grievance and misrule, there being scarcely any abuse, either in the church or the nation, which might not be sheltered under such pretexts. In number, this party greatly exceeded the adherents of the court, and they were not slow in attributing the more moderate and cautious expressions of their opponents to a knowledge of this fact.

The country party, including the Puritans and patriots.

But it is to be observed, that while the court party exhibited little perceptible difference of opinion on any subject, the country party consisted of two great divisions, subsequently known by the name of *puritans* and *patriots*. The former class was the most numerous, but the latter included many of the most distinguished men of the age. It must not be concluded, however, that

Puritans and patriots.

* Parl. Hist. i. 205.

the patriotic party was distinguished from the puritans as consisting of men who were little concerned with regard to the religion of their country. Among its leaders were such men as sir Edward Coke, sir Robert Cotton, and the learned Selden, with whom the safety of protestantism was inseparable from the safety of the nation, and who were not less decided than the puritans themselves in their opposition to some of the established superstitions, and especially to the encroachments of ecclesiastical power. From the commencement of the Reformation to this time, the national conflicts and domestic struggles of Europe had been everywhere connected with religion, and, in most instances, were mainly produced by it; and this leading fact in the history of Europe, from the age of Charles V. to the treaty of Westphalia, has its resemblance in our own annals during the same period. Hence the horror of popery, which some writers describe as the ridiculous attribute of English puritanism, was, in fact, the sentiment of protestant Europe, and one which influenced the patriots in common with the puritans in every parliament convened by Charles I. In England, and in nearly every state of Europe, there was a numerous class of men who were the opponents of popery chiefly because they viewed it as hostile to civil freedom and social improvement; and with this class there was another, more numerous and more energetic, who would have crushed the papacy as a power which invaded the conscience and destroyed the soul.

In this country, both parties regarded the possible ascendancy of the catholic religion as inseparable from a return of the greatest national evils; but the one looked principally to the political consequences which would be attendant on such an event, while the evils which it would inflict, as well on the religion, as on the political constitution of the country, were never absent from the imagination of the other. We may deplore the intolerance of our ancestors in this matter, but we should remember that it was the intolerance of the cool statesman as well as of the impassioned religionist, and much less censurable in the latter character than in the former. The degree of our opposition to an evil should be regulated by our perception of its magnitude. Those worldly reasonings which disposed the patriot to seek the destruction of popery, had their full weight with the puritan, while the religious motives, which, in the case of the puritan, were superadded to those reasonings, were the most solemn and imperative that could be presented to the human mind. To all the penal laws against catholics the patriots were not less willing parties than the puritans, and were often loudest in the demand for their rigorous enforcement.

The defective manner in which these laws were administered, both by Charles and his predecessor, is often adverted to by their advocates as the effect of an intelligent forbearance of temper, which raised them much above the narrow and fretful spirit of their times; but no one can reflect on the conduct of these princes towards the puritans without

perceiving that their lenity towards the catholics, such as it was, must be attributed to some less honourable cause. The source of this difference is in fact sufficiently plain. The catholics were regarded by the court and the country as the natural allies of the power claimed by the crown; and this bias on their part, which secured them milder treatment from the government, rendered them increasingly obnoxious to the people generally. Toleration, as a matter of principle, was far from being understood by any party at this period. The English government, from the early days of Elizabeth to the present time, had been animated by a spirit of persecution, partly from necessity, and partly from disposition and from the force of custom, and it was this spirit which had done most towards placing that government in its present difficulties. By this line of policy, indeed, it had succeeded in breaking down the power of the catholics; but it had greatly strengthened that of the puritans; and the habit of resisting ecclesiastical oppression which distinguished the puritans, became more and more allied with a tendency to resist oppression in every form.

The great objects of the party, which now derived its main strength from the puritans, were, in regard to religion, to secure a more lenient treatment of the puritan clergy, to limit the exercise of ecclesiastical power, and to extend a vigilant control over the conduct of the English catholics; and, with regard to the civil constitution, to place around the persons and property of Englishmen all the securities afforded them by the statutes and usages of the realm, and to make such provisions against those doubtful or extreme cases, which had been so long the pretext for abuses, as might serve to prevent the recurrence of those evils. The present house of commons was sufficiently aware that the control of the public purse belonged to them, and that they were supported alike by principle and precedent in making the redress of grievances and the security of their rights a condition of granting supplies to the crown. It was in this manner that the wealth of their ancestors had contributed, quite as much as their valour, towards the establishment of national freedom; and the means which had so much conduced to its existence were regarded as proper to be employed for its preservation or enlargement.

The first proceeding of the new parliament was to appoint a day of fasting and religious exercises. In St. Margaret's church Proceedings of parliament. June 21. each member was required to join in receiving the sacrament. By this time, much of the suspicion relating to the probable increase of the catholic religion, which had been called forth by the prospect of the Spanish match, was excited anew by the conduct of the queen and her attendants. The residence of Henrietta was in Somerset-house, where apartments were provided for her chaplains and a fraternity of Capuchin friars. These might be seen parading the streets in their canonical habits; many priests and jesuits were emboldened to make their appearance in different parts of the country; and the court

was known to be crowded with the professors of the same faith, who would be sure to extenuate whatever might be laid to the charge of persons belonging to their communion. It was a knowledge of these circumstances which made the services at St. Margaret's highly appropriate and important in the view of the lower house, and particularly of the puritans*.

The session, accordingly, was no sooner opened, than a petition was drawn up which called upon the monarch by every solemn consideration to enforce the penal laws against recusants, and against all whom they concerned. Dr. Montague, a court divine, had given much umbrage to the petitioners by a work which he had just published, the object of which was not, as his apologists affirm, merely to inculcate that virtuous catholics might be saved, but to recommend them to the confidence of the government, and to set forth their opponents, the puritans, as a people "desiring an anarchy," and who on that account should be discountenanced and repressed. Such, it is possible, was the honest conviction of the writer; and it is not according to our notions of justice that he should have been made liable to punishment for avowing it. But the censorship of the press was with the court, and its exercise with regard to the works which it suppressed and those which it sanctioned was subject to no sort of control except through the medium of parliament. Hence the interference of the house with regard to the publication of Dr. Montague was according to the usage which this circumstance had rendered both frequent and necessary. If such compositions were suffered to multiply, while any effective answer to them would be sure to be destroyed in the attempt to give it birth, the result could not fail to prove a great national evil. The lower house, therefore, determined to make it unquestionable that such a course was not to be pursued. Montague was placed in the hands of the sergeant-at-arms, charged with contempt of the house, and with impugning the articles of the church of England. The delinquent was one of his majesty's chaplains, and Charles would gladly have sheltered him from the storm which his meddling zeal had raised around him. Indeed, the monarch proceeded so far as to indicate what his dispositions were on the matter, but afterwards found it expedient to dissemble his resentment; and Montague was obliged to find securities for his appearance to answer the charges against him†.

In this proceeding there was no departure from established usage; but the same cannot be said of their conduct in granting the duties on merchandise at the ports, called tonnage and poundage, for a single year only. During the last two centuries this branch of revenue had been voted to each sove-

* Rushworth, i. 169, 171.

† Ibid., i. 173—176, 200, *et seq.* 423. Parl. Hist. i. 6, 7, 11. Cabala, 156. Heylin's Life of Laud, 79—81, 86—88.

reign on his accession for life; and, on this ground, the lords rejected the bill with this novel limitation. But the doubtful policy of the commons in this respect, as well as in hesitating to grant the required supplies, was the consequence of many circumstances, a careful attention to which is strictly necessary to a clear understanding of the conduct of parties at this juncture.

Charles had opened the parliament in person. He was careful to state that the intended war with Spain had been resolved upon with the advice of the persons to whom he now looked for a supply of all the means necessary to his prosecuting it with vigour. He assured the houses of his steady attachment to the national faith, notwithstanding some malicious rumours to the contrary; and expressed his hope that a regard to their personal safety, in consequence of the plague which was desolating the capital, would concur with his own manifest necessities, in disposing them to make it, for the present, their chief business to vote the requisite supplies. This argument from the pestilence was not well chosen, for the suspicion was very prevalent, that the time and place of meeting had been determined principally with a view to restrict the business of the session to the mere granting of money without allowing opportunity for any further inquiry with respect to the causes or the expediency of the war, or with regard to the grievances which had been made the subject of complaint and investigation in the last parliament. The commons were informed, by the lord keeper, that following the advice of the monarch, they would be allowed to re-assemble in the winter for as long a time as might be required to settle domestic affairs. In this manner the policy of the court had succeeded in placing the commons in a situation of considerable difficulty: to vote the supplies in the manner required would be to commit themselves to a war, of the justice and policy of which they became daily more and more doubtful, and to hazard the loss of any fair opportunity for prosecuting some inquiries relative to the conduct of Buckingham, or for insisting on the proper return for such grants,—a redress of grievances. On the other hand, to refuse the aid demanded of them would be to afford their enemies a somewhat plausible ground on which to accuse them of inconsistency, disaffection, and distrust. The commons endeavoured to avoid the points of this dilemma by steering a middle course. They resumed the matter of grievances at the point where it terminated under the last parliament, broached several popular topics of complaint, and, as “the first fruits of their love” to the new monarch, they voted the supply of two subsidies, about 140,000*l.*, a sum sufficient to meet immediate demands, but by no means enough to preclude the necessity of their being soon called upon for further aid. Charles spoke of the present grant as much inferior to his wants, and complained of an attempt that had been made to abolish a tax which the late king had laid upon wine, but, in

conclusion, professed to regard the two subsidies, and particularly the manner in which they had been voted, as a proof of the good affection borne to him by his subjects*.

At the request of both houses, a recess of three weeks now took place on account of the pestilence. The parliament assembled ^{The recess pro-} after that interval at Oxford, and was there informed that ^{ceedings at Ox-} the government could not proceed in its preparations for war ^{ford. August 1.} with any prospect of success, unless aided to the extent of two more subsidies and two fifteenths. The popular leaders refused to give any immediate attention to this subject; and to the reproach of having forgotten their pledge to support the king with their lives and fortunes if he should commence a war with Spain they replied, that to this time war, from some mysterious cause, had not been declared; that hostilities abroad were not so to occupy their mind, as to divert their attention from domestic grievances; that no intimation was afforded of a disposition to remove those which had been already a matter of complaint, notwithstanding the large demand which was now made on the property of the subject; that the penal laws against catholics, instead of being enforced in fulfilment of the royal promise, had just now been dispensed with in favour of priests who were capital offenders; and that the house was anxious to know, before proceeding further, "whether the duke broke not the match with Spain out of spleen and malice to the condé Olivarez;" whether the match with France had not been negotiated on less safe and honourable terms; and whether the English ships employed against the protestant cause before Rochelle were not furnished by means of the subsidies which had been given for the relief of the Palatinate. It was reported by the secretaries of state, Conway and Coke, that the government was already 400,000*l.* in debt, and that 700,000*l.* annually would be required to carry on the proposed hostilities. But the present demand of the government was reduced to a sum not exceeding 200,000*l.*, to be paid within twelve months; and Buckingham, in his attempt to defend himself, even spoke of 20,000*l.* as an amount that would meet present exigencies. This, however, was not until the favourite, despairing of success through the medium of parliament, began to meditate its dissolution; and was a kind of retreat which tended to confirm the suspicion that the recent applications of the public money had been such as not to allow of investigation. This instance of policy indeed was turned against the object which it was meant to serve, for it was said, with much apparent propriety, that if so small a sum would prove equal to the immediate wants of the crown, there could be no occasion at present to call the attention of the house from matters of grievance to matters of finance†.

* Parl. Hist. ii. 1—7. Commons' Journals, July.

† Ibid., ii. 8—33. Rushworth, i. 176—189, 195.

The new feeling of confidence in Buckingham, which was called forth in the first moments of the rupture with Spain, had now wholly passed away; and this return of the old impression concerning him, which was the result of many very natural causes, was confirmed by the manner in which his name became implicated in the use made of certain ships placed under the command of admiral Pennington. In prospect of the union between Charles and Henrietta, James had promised the French king the loan of some English vessels to be employed against Spain in the Mediterranean. These vessels, the French minister, cardinal Richelieu, endeavoured to press into a war against the protestants of Rochelle; and in this measure, aided by the determined interference of Charles and the Duke, he succeeded. The English sailors, however, refused, with the exception of a single man, to fight against their protestant brethren, and all deserting their ships, returned home, giving out that to be hanged would be a less evil than to take part in such a service. The parliament at Oxford was apprised of these proceedings, and, there is reason to believe, was acquainted with various circumstances which disclosed that the monarch and the favourite, contrary to the cautiously-framed treaties of the late king in this respect, had been for some time meditating a sinister project of this sort*.

It was now natural to ask whether the house was to be duped into a war against the protestant religion under the pretence of a war against its great enemy the king of Spain; and whether the hands, which had proved so perfidious in the use of the limited means entrusted to them, should be deemed proper to conduct hostilities against one of the greatest powers of Europe, and to have the sole control of the resources necessary for that object. The want of experience, and, to observant men, the want of sincerity, in the king, added to the want both of capacity and principle in Buckingham, on whom almost every thing in such a case would depend, concurred to make men deprecate the commencement of such an enterprize†. The house, however, was by no means prepared to protest against the measure, but chose rather to discourage it, and to render it almost impracticable by delays, and by limiting its supplies. Its first subject, accordingly, was religion; the second, grievances; and the last, supplies. Charles, finding that this was the course adopted, informed the commons that the appearance of the pestilence in the neighbourhood, and his own wants, forbade delay; that if they should forthwith vote the required supply, he would convene them again at Christmas for other

English ships employed against Rochelle.

Delays in the commons—impatience of the king.

* Rushworth, i. 174—178, 322—334. Clarendon Papers, ii. App. xxv. Rymer, xviii. 209. Prynne His. Work, 85.

† See lord Cromwell's letter to the duke, in Rushworth, i. 195, which shows that the arrogance of the favourite in conducting the most responsible affairs without consulting any one was regarded by many as likely to prove his ruin. The discontent thus produced affected "the best sort, if not all."

business ; but should they choose to spend their time in fruitless debates, refusing him in this the first request he had made to them, such conduct would oblige him to show them that he was concerned for their healths, though they might themselves be negligent of that matter. The house professed its willingness to furnish the aid demanded, but still spoke of some preliminary questions which required to be adjusted, and Charles, offended with this conduct, declared his first parliament dissolved, on the ninth day of its sitting at Oxford*.

This was not done, however, until that assembly, whose alleged parliament
dissolved, August 12.
Conduct of this parliament considered. simony has been the theme of so much abuse, had voted the almost unprecedented sum of 500,000*l.* to the uses of the government. On the whole, we venture to describe the conduct of this much calumniated parliament as wise and patriotic. It should not have attempted to lay any restriction on the usual grant of tonnage and poundage ;—its great fault, however, was not in contributing so sparingly and so reluctantly to the proposed war, but in not protesting decidedly against it from the time when so many circumstances concurred to show the impolicy of prosecuting it. False delicacy, arising from their having been in some sort parties to the measure, and still more the eager determination of Charles and Buckingham on this subject, prevented the commons from doing this, and involved them in perplexity and disputes which the best men among them must have lamented, but which, as leading to the further embarrassments of the crown, were to conduce, in the chain of events, to the more secure and enlarged liberty of the people.

Nearly all the lords of the council had opposed the proposal for a dissolution of the parliament. But the step was urged by Buckingham, and his influence prevailed. The great majority of the council argued that the king would soon be obliged to assemble another parliament, which would prove “ a swarm out of the same hive,” only rendered less manageable by the irritation which the abrupt dissolution recommended could not fail to excite†. Charles, having refused to profit by this just representation of his circumstances, issued writs to great numbers of the nobility, the clergy and gentry, calling upon them to furnish him with the money in the form of a loan, which he had sought in vain from the late house of commons‡. We have seen that loans of this nature, though of rare occurrence, were not unknown before the accession of the house of Stuart. But an expedient which was at all times unpopular, and which had never been tolerated except on the plea of such emergency as did not allow of an immediate application to parliament, was manifestly no precedent for a sovereign who had just

* Rushworth, i. 190, 191. Parl. Hist. ii. 33—37.

† Hacket's Life of Williams, part ii. p. 16—18. Rushworth, i. 195.

‡ Ibid., i. 192, 194.

dismissed the representatives of the people that he might employ himself in raising money without consulting them.

With the money obtained, however, from these sources, from some leading catholics, and from the parliament, Charles fitted out a fleet of eighty vessels, besides twenty borrowed from the Dutch, and a land force of ten thousand men. Much was expected by the court from this formidable armament. But the command, instead of being entrusted to Sir Robert Mansel, an officer of some experience, was bestowed on viscount Wimbledon, whose only recommendation, though he had long served in the army of the United Provinces, appears to have consisted in the favour of Buckingham. Cadiz was selected as the point of attack. No council of war was held until the fleet came within sight of the place, and then such different opinions were entertained, that the shipping in the bay, which might easily have been seized, were allowed time to escape, and when it was at length determined to commence the attack on land, the drunkenness and insubordination which soon spread among the soldiers obliged the commander to re-embark. From Cadiz the fleet proceeded in search of a rich convoy, then on its way from the Spanish colonies. But after an extended cruise it was found that the enemy had passed under concealment of the night. Contagion now broke out in one of the ships. Wimbledon thought to recover the sick by separating them from each other, and thus spread the malady through the whole fleet, which returned covered with disgrace*. Dec. 8.

These public disasters must have weighed heavily on the heart of Charles, and there were some domestic disquietudes which affected him hardly less about this time. The conditions of his marriage with Henrietta were now found to be attended with many evil consequences. These conditions not only prevented his executing his promise to enforce the penal laws against catholics, but had surrounded the queen with an officious multitude of persons professing the catholic faith, whose influence tended very much to disturb the harmony which should have subsisted between herself and the sovereign. The puritans had been loud in their complaints concerning the obtrusive conduct of these strangers, and the conduct of Charles towards the queen's attendants has been attributed to these remonstrances, and not to any personal feeling of his own on the subject. But there are letters from the pen of the English monarch which show, that the fanaticism of the puritans in parliament was scarcely more annoying to him than that of the catholics in his household. These he accuses of plotting with his subjects, and of fomenting discontents in the mind of Henrietta,—“few or none of her servants being free from this last fault in one kind or other.” His

* Rushworth, i. 196—197. Cabala, 404—406. Sydney Papers, ii. 363. Rymer, xvii. 181.

command accordingly is, that arrangements be forthwith made for their being sent back to France.

When remonstrance was made against this proceeding by the French ambassador, a body of commissioners replied by exhibiting a series of accusations against the queen's household, to the effect of what is stated above ; and they add, that such was the influence of these persons over her majesty, that they had induced her to relinquish the study of the English language, had filled her with a dislike of everything English, and had proceeded so far as to conduct her on foot in penance to Tyburn, that she might do honour to the memory of the martyrs who had perished there in the catholic cause. Most of these particulars the French ambassador denied, but not in a manner that could materially discredit the statement of his opponents.

It was not, however, until more than twelve months after the marriage, that Charles succeeded in sending these troublesome people away. This circumstance then produced serious disagreement between the royal pair ; but, through the intervention of the ambassador extraordinary from the French court, another household was formed, not altogether unacceptable to the queen, and much less repugnant to the feeling of Charles and the prepossessions of his people. From this time harmony was restored, and Henrietta by degrees acquired a considerable influence over the judgment and conduct of her husband, a tolerable proof that the previous complaints had not been without foundation*.

One of the methods resorted to for the purpose of raising money, on the failure of the expected assistance from parliament, was to pledge the crown plate and jewels. It was calculated that 300,000*l.* might be obtained from this source.

To accomplish this object, Buckingham, in company with the earl of Holland, late lord Kensington, sailed to the Hague, a treaty both offensive and defensive having been already concluded with the States. The duke also concluded a second treaty with the king of Denmark, who engaged to furnish an army of thirty-six thousand men on condition of receiving certain monthly subsidies, partly from the king of England, and partly from the United Provinces. From the Hague Buckingham would have proceeded to Paris, but he was apprized, by a message from Richelieu, that his presence in the French court would not be permitted. The pride of the English favourite was deeply wounded on several accounts by this communication ; but sir Dudley Carleton was despatched in his place, and the instructions given to him, and his colleague the earl of Holland, breathe the spirit of hostility which was ere long to break forth into action. They were to employ their influence with a view to the termination of the war between the French monarch and his protestant subjects, to call for the return of

* *Memoirs de Bassompierre*, iii. 145, 146, 285, 313. *Hardwicke Papers*, ii. 14. *Ellis's Orig. Let.* iii. 216, 224, 238—247. *Biblia Regia*, 218. *Cabala*, 252.

certain vessels lent to the French government, to ascertain by secret means the strength of the protestant interest, to assure its adherents of assistance from England as circumstances should demand, and to obtain certain information as to the force which the hugonots could bring into the field, if the English monarch should declare war against the French king in their favour. They were to look with suspicion on all new overtures of friendship, and to conclude nothing of that nature without further instructions. Richelieu met this state of affairs with his usual sagacity. He made peace with the French protestants, and not only promised to return the borrowed vessels, but offered to send an army into Germany in aid of the Palatinate in conjunction with England*.

The disgrace which befel the arms of the country while these negotiations were in progress served only to augment the zeal of the English monarch and of the favourite in behalf of the war, as it constituted a reproach which it was of the utmost importance to wipe away. But to repair such losses without the assistance of parliament appeared impossible; and the great difficulty was, how to manage the convening of such an assembly so as to derive the necessary supplies through that channel. As one mode of preparing to meet the unwelcome necessity which circumstances had thus forced upon him, Charles resolved, though aware of the charge of perfidy that would be urged against him by the French court, that the penal laws against the English catholics should be put into partial execution. The prescribed fines were levied on many among that class of persons, and applied in aid of the war; proclamations were sent forth prohibiting parents and guardians from placing children in seminaries beyond the sea; all catholic recusants were required to deliver up their arms, and to confine themselves within five miles of their home; and all catholic priests were commanded to leave the kingdom by a day mentioned†. By these proceedings Charles hoped to propitiate the religious feeling of a large class of his subjects, and to avoid appearing before the new parliament as a prince whose word was not to be trusted. The king next directed his attention to the upper house, to the functionaries of the government, and to certain means which were expected to influence the composition of the new house of commons. At the command of the sovereign a reconciliation took place, at least in appearance, between the earl of Pembroke and Buckingham. Williams, the lord keeper, found his acknowledged talents insufficient to supply his want of principle, or to conceal his intrigues with the party opposed to the man with whom it became him to act; and the great seal passed from his hands to

* Sydney Papers, ii. 360, 361. Hardwicke Papers, ii. 6. Clarendon Papers, i. 27. Rymer, xviii. 236, 240, 256.

† Rushworth, 194, 198. Strafford Papers, i. 28. Bibliotheca Regia, 12—16. Hardwicke Papers, ii. 4—7.

those of the attorney-general, sir Thomas Coventry*. Having provided thus against treachery in the cabinet, Charles resorted to an unwise expedient for the purpose of breaking the force of the opposition expected in the lower house. From the list of sheriffs for the coming year he struck out seven names, and, in their place, substituted those of seven persons who in the last parliament had become conspicuous as the opponents of Buckingham. Persons acting as sheriffs were precluded from sitting as members of parliament, but an attempt to exclude such men as Coke, Wentworth, Seymour, and Philips from the house by an artifice of this description could have no other effect than to proclaim the disingenuous and arbitrary temper of the king, and to excite the strongest suspicion with regard to the whole texture of his intended policy. Coke endeavoured to counteract this manœuvre, by urging legal objections to the sheriff's oath; and when these were obviated, he continued to insist, that though a sheriff might not hold a place in parliament for the county of which he was sheriff, he might so do for any other, and he accordingly accepted a seat for the county of Norfolk. The difficulties of this last question, however, were so many, that Coke deemed it prudent not to appear in his place, though, through the influence of his friends, he retained all the privileges of a member†.

Nor was it enough by a proceeding of this nature to ensure the suspicions and resentment of the new house of commons, a course was adopted which tended to excite the same spirit in the upper house. Arundel, the earl marshal, possessed considerable influence in that assembly; he was known as the enemy of Buckingham, and had six proxies at his disposal. His removal from his place was looked upon as likely to diminish the probable opposition to the favourite among the peers, and a pretext for that purpose was discovered. It happened that a son of the earl had recently married a lady of royal blood without obtaining the royal license, and the king, availing himself of some arbitrary precedents, committed Arundel to the Tower. The Lords declared this arrest of a peer during the sitting of parliament to be a violation of their privileges. It was not, however, until the controversy thus provoked had been protracted during three months that the earl marshal was allowed to resume his place. All this time the business of the house was deferred, and so strong was the feeling which had grown with this discussion, that when Arundel made his appearance, he was received, even in that grave assembly, with loud acclamations‡.

* Rushworth, i. 198. Hacket, ii. 16—18. Sydney Papers, ii. 364, 365. Strafford Papers, i. 28.

† Rushworth, i. 201, 202. Strafford Papers, i. 30, 31. Parl. Hist., ii. 44—46.

‡ Parl. Hist. 125—132. The notices of this dispute are scattered through more than a hundred pages of the Lords' Journals, 526, *et seq.*

There was also at this time another peer who had suffered much more than Arundel from the arbitrary conduct of Charles and his minion. This was the earl of Bristol. This nobleman had conducted the negotiations relative to the Spanish match, until the time of Buckingham's appearance at Madrid, and he had been an attentive observer of affairs there subsequent to that period. He was, in consequence, possessed of secrets, the disclosure of which might prove not a little injurious to the character of the favourite, and even to that of Charles himself. Since Bristol's return to England, two parliaments had been convened, but on neither of those occasions had the usual writ of summons been sent to him. During all this time, indeed, he had been confined by royal intimation to his residence at Sherborne, and those who sought the favours of the court well knew that their being suspected of holding the slightest intercourse with Bristol would be fatal to their object. That nobleman now ventured to address a letter to the house of lords, in which he complained of the wrong inflicted on him by his exclusion from that assembly; and Charles found himself obliged to issue the usual writ of summons, but with that document which required the earl's presence in the national council, was a private letter from the king which forbade his appearance. Bristol was not likely to submit to this disingenuous and arbitrary treatment, so long as there was any fair prospect of his being able to resist it with success. In a second communication, he apprised the lords of his having now received his proper summons as a peer of the realm, and he had the courage to demand that the unconstitutional letter of the monarch which had accompanied that summons should be read in the house—that being a matter which concerned *them*, no less than himself; and he further claimed the right to appear in his place, that he might accuse the duke of Buckingham of high crimes and misdemeanors. Buckingham endeavoured to parry May 1. this bold thrust of his adversary, by charging him, before the same assembly, with the guilt of treason. But the house, while it determined that the accusation against Bristol should be first dealt with, resolved that the testimony of Bristol with regard to the duke should not be affected by the charges which the favourite had now preferred against him*.

In the accusation against Buckingham, it was alleged that he had conspired with Gondomar, the Spanish ambassador, to produce a false impression on the mind of Charles in relation to Spain, in order that he might be led to visit that kingdom, and that before his marriage he might be led to renounce his protestant creed. He was also charged with having been so openly dissolute while at Madrid as to make himself a disgrace to his country;—the disgust excited by his conduct in

* Lords' Journals, 537—578, *passim*.

that respect having led the ministers of Philip to refuse treating with him. His subsequent opposition to the Spanish treaty was described as arising altogether from the resentment which he felt on this account, his passions having taught him to violate the principles of truth and honour, and to practise deception both on the prince and the nation. We know not what reply the favourite made to these charges: it is probable that its unsatisfactory nature, particularly on some of the points last-mentioned, is the reason of its not appearing in the Journals, where we find the defence as well as the accusation of Bristol. The earl was said to have represented Spain as sincere when it was not so; to have concurred, indirectly, with those who wished the prince to adopt a popish creed; to have exceeded his instructions in his zeal to bring about the marriage; and to have asserted a statement to be false which he knew the king had declared to be true. Bristol soon returned an answer to these charges which satisfied his judges, and which has been generally regarded as a sufficient vindication of his conduct*.

The earl complained that the facts alleged in several of the articles exhibited against him were such as rested in a great degree on the testimony of the sovereign, and petitioned the house to take into consideration of what consequence such a precedent might be, and humbly to move his majesty to withdraw so much of the accusation as depended on himself. The house submitted two questions on this point to the judges, which, at the command of the sovereign, they declined to answer†.

It was from the lords only that the king could derive the support indispensable to him in the peremptory course which it was his intention to pursue toward the commons. But there was much in these attacks on the pride of the upper house that could have no other tendency than to deprive him of such aid—their direct effect being to show the importance of placing some effectual check on the irregular temper of the monarch, and the folly of leaving any great matter to a mind of such limited discretion. Nor are these the only facts which will occur to make it evident that the mind of Charles was as little competent to the wise administration of an arbitrary as of a free government. In the case both of Arundel and Bristol, the conduct of the lords convicted the monarch of oppression, and of oppression in such a form as was not to be submitted to by an assembly which was far from being carried away by the enthusiasm of popular principles.

In consequence of the proceedings against Arundel, Charles found himself almost alone in the contest which awaited him The Commons. with the new house of commons. One of the first objects of that body was to appoint a committee which should

* Lord's Journals, 573—662, *passim*. Parl. Hist. ii. 72—190.

† Parl. Hist. ii. 98, 103, 106.

report concerning the state of religion, much having been said about the increase of popery, and on the importance of more vigorous efforts to diminish its influence. The committees on secular grievances also made their complaint, which related particularly to the evils of purveyance, to instances in which duties had been imposed on merchandise without authority of parliament, and to the conduct of the lord treasurer in collecting the impost called tonnage and poundage without waiting for the further sanction of that authority. Charles witnessed the delay occasioned by inquiries and discussions on matters of this nature with much dissatisfaction, and admonished the house that his wants were pressing. Three subsidies, and three fifteenths, making about three hundred thousand pounds, were promised—a March 27. liberal supply according to what was usual in those times.

But much as the king would have been gratified by obtaining such a sum, he declined it the moment a redress of grievances was mentioned as a condition of the grant. The demand now made upon the house was, that the sum named should be forthwith voted, that an addition should be made to it, and without the obnoxious appendage concerning grievances. Should this advice be disregarded, it would, ere long, “be worse for themselves.” The commons listened with commendable patience to this tone of address from the sovereign, and to the echo of it from his ministers, and even promised another subsidy.

But before the bill which would have placed so large a sum at the disposal of the crown was finally passed, a numerous party in the house had determined to impeach the duke of Buckingham, as the principal occasion of the bad government which, as they contended, had so long afflicted the nation. Impeachment
of Buckingham.
May.

Every one knew that if the proposed sum were first voted, Charles would be far from permitting the parliament to continue its sitting for the purpose of conducting such a prosecution; and indeed the king no sooner heard the rumour of this intention, than he sent a message to the house, declaring that none of his servants were to be questioned by its authority, much less such as were near his person. It would not have been easy for Charles to have avowed a maxim that could have made it more imperative on the lovers of their country to regard both the sovereign and the government with the greatest suspicion. Happily, the impeachments of Bacon and of Middlesex were too recent to be forgotten, and this attempt to elude the force of those valuable precedents only served to stimulate to the zeal of the patriots. The entertaining of this project called forth haughty reprimands from the monarch, who did not hesitate to declare that the existence of the commons as a legislative body was a matter purely of royal sufferance. The commons on their part declared it to be “the ancient, constant, and undoubted right and usage of parliaments to question and complain of all persons, of what degree soever, found dangerous to the commonwealth in abusing the

power and trust committed to them by the sovereign ;”—and that common fame was a sufficient ground of proceeding in such cases.

Buckingham was accordingly impeached in a series of articles which charged him with having united in himself, and frequently purchased, the most lucrative offices ; with having seized a French ship for his own gain, and thereby provoked the king of France to make injurious reprisals on English traders ; with having obtained 10,000*l.* by illegal means from the East India Company, and with having compelled English ships to serve against the French protestants.

Against these and some other charges Buckingham made an elaborate defence, which had been prepared for him by sir Nicholas Hyde. Its substance was, that some of the accusations were founded in mistake, and that others related to acts which, if unconstitutional, were not so much his own, as those of the judges, or of the monarch. With regard to the fact that English vessels had been forced into the service against the French protestants, the favourite affirmed that he could sufficiently exculpate himself on that matter, but that there were reasons of state which forbade his attempting it ;—he observed, however, that the employment of the ships against any other foe than the Genoese was contrary to his intention, and an act of treachery resting wholly on the French king,—a statement which he must have known to be false. This defence, defective as it was in many respects, produced some impression in the duke's favour.

The impeachment was conducted on the part of the commons by sir John Eliot and sir Dudley Digges, under the name of managers. In the midst of the proceedings both were committed to the Tower, on the charge of having insinuated that the monarch had conspired with Buckingham to shorten the days of the late king. It had been said in the course of the trial that the duke had given James medicines during his illness without consulting his physicians ; and as thirty-six lords declared that this was the sum of the obnoxious statements made in their hearing, and as the commons refused to proceed with any business until the imprisoned managers were liberated, Charles, professing himself mistaken, allowed them to return to their places*.

One of the articles against the duke related to the number of offices which he had assumed, and it was while the impeachment which included this article was in progress, and that also which originated with the earl of Bristol, that Charles exerted his authority and influence to secure the election of Buckingham to the office of chancellor of the university of Cambridge. Much opposition was shown to the favourite in this instance, particularly by the younger members of the university, and he succeeded by a majority of three only. The opponents of the duke, in both houses, watched these proceedings with indignation, and

* Parl. Hist. 99—190. Rushworth, i. *passim*.

the commons came to a vote which declared them to be an insult offered to the authority of parliament, and to the safeguards of the constitution *.

But the passions of the commons were not more disturbed at this moment than were those of the sovereign. The house was preparing its reply to Buckingham's defence when the rumour spread of the king's intention to dissolve the parliament. It was hoped that remonstrance might prevent the adoption of such a course, but the commons were not to be heard, and when the lords united in urging the king to desist from his purpose, if it were only for a few days, his answer was "Not for a minute †."

Parliament
dissolved.
June 15.

The immediate purpose of this step was to rescue Buckingham from the hands of his enemies. But by what means could the monarch expect to carry on the government, when, notwithstanding his poverty, he determined thus to refuse the liberal supply offered him by the commons, rather than listen to their complaints against the duke, and on the subject of their grievances? It has been supposed, and not without reason, that Charles had already formed the resolution to govern without the aid of parliaments;—and the pressure of his wants was not, perhaps, viewed with regret, as it might be made to furnish a plausible ground for raising money by those irregular exercises of prerogative which were deemed much preferable to dependance on the concurrence of a popular assembly; and every new precedent of this nature would be something done towards establishing the power of the crown to supply its wants by such means ‡.

Nature of the
dispute be-
tween Charles
and the com-
mons.

The situation of the English monarch at this moment was one of peculiar difficulty and danger. His apologists describe him as parting from his second parliament indignant at its perfidy, its fickleness, and ill humour. The men, it is said, who had so lately extolled the duke, were now persecuting him with the greatest hatred, and without the

* Ibid., 164—166. The favourite at this time was duke, marquis, and earl of Buckingham, earl of Coventry, viscount Villiers, baron of Whadden, great admiral of England and Ireland, general-governor of the seas and ships of the same, lieutenant-general, admiral, captain-general, and governor of his Majesty's fleet and army, &c.; master of the horse, lord warden, chancellor and admiral of the Cinque Ports, constable of Dover Castle, justice in eyre of the forests and chases on this side the Trent, constable of the castle of Windsor, knight of the garter, privy councillor, &c. &c. &c. The rapacity of Buckingham kept full pace with his love of office.

† Parl. Hist., 190, 193. On the day the parliament was dissolved, Arundel was confined to his house, and Bristol committed to the Tower, by the king's order; and a remonstrance which the Commons had prepared to present against the threatened dissolution was burnt in obedience to a royal proclamation. In a "declaration" issued by the king, purporting to be explanatory of his reasons for dismissing his parliament, his majesty states "that in this, as in all his other royal actions, he is not bound to give an account to any but to God only, whose immediate vicegerent he is," though there may be considerations making it expedient to do so.

‡ See the Remonstrance of the Commons, Parl. Hist. 205.

appearance of any sufficient cause ; while the war with Spain, which had been so strongly urged by the commons, had become little else than an artifice to involve the monarch in expense, and to render him dependent on their pleasure. But this representation is defective and inaccurate, and adapted to produce a false impression. When the duke spoke of himself as partaking of the national enmity against Spain, and appeared to adopt those liberal principles of government which were so much valued by the most patriotic members of the commons, it is hardly surprising that, at the moment, some credit should have been given to him for sincerity. But when the conduct which many had been willing to regard as the effect of a new feeling of patriotism, was ascertained to have been the result of his spleen, particularly against the condé Olivarez ; and when the favourite was every where found to be the same man—haughty, tyrannical, unprincipled, and altogether unworthy the confidence of the nation—it was quite as little surprising that the old feeling with regard to him should return, and that the resentment of his enemies should be increased by the remembrance of the fraud which had been practised upon them.

The war with Spain, also, was a measure which had been urged by the commons in a moment of peculiar excitement, and under impressions now known to have been in a great degree false. It was no necessary consequence of terminating the treaty relating to the Infanta, and was in many respects undesirable. But Charles had no sooner assembled his first parliament than he was faithfully apprized of the doubts which had arisen in many quarters as to the policy of the proposed war, and was sufficiently assured that the only condition on which the means necessary for conducting it with success were likely to be obtained was a redress of grievances. This was done before war had been declared. But since that time the king had chosen to become the aggressor by an attack on Cadiz : and notwithstanding the want of ability in the government to regulate such enterprizes, which that affair had rendered manifest, and the embarrassments which its failure had produced, the king not only made a larger demand on the resources of the country than had ever been submitted to an English parliament, but insisted on compliance with it, notwithstanding his determination to pass by that redress of grievances, to which the commons appealed as the condition on which they were willing to make even the large grant proposed to them.

By this time it was no secret either at home or abroad, that, settled as was the enmity between the two nations, the war with Spain owed its origin and continuance much more to the feeling of the English monarch than to that of his people : and as everything like dependence on the subject was, in the judgment of Charles, so much taken from the proper dignity of the sovereign, his pride naturally prompted him to a prosecution of this contest, and to the more determined prosecution of

this contest, and to the more determined prosecution of it, the more it was opposed. This unhappy prepossession disposed the king to strain his prerogative with the view of obtaining those supplies from other sources which had been withholden by parliament. Nothing had been done by the king's first or second parliament, if we except the attaching a limit to the grant of tonnage and poundage, which had not been the practice of such assemblies under James, and scarcely anything for which much older precedents might not have been pleaded; but enough had occurred to show that the commons were resolved not to grant the public money without obtaining a remedy for some public abuses, nor without some security for its being wisely and justly employed,—and Charles resolved to set them at defiance rather than submit to such terms*.

The single year to which the commons had limited their vote respecting the duties at the ports was now closed: but those duties continued to be collected, on the assumption that the commons would have issued their consent, as a matter of course, had they not been prevented by the sudden dissolution of parliament. The crown lands, by means of leases and compositions, were made to yield a considerable supply; and the fines imposed on Catholic recusants were more generally exacted. Privy seals, to obtain the loan of money from the nobility, and the more wealthy commoners, had been sent forth on the dissolution of the former parliament, in which mention was made of the sum expected from each person. This fixing of the sum was regarded as an unusual stretch of power, and was an undoubted violation of the statute against benevolences. The names also of those who refused were to be returned to the council. The dissatisfaction occasioned by this proceeding, made it desirable, if possible, to avoid a recurrence to it; and, accordingly, the first thing attempted was to persuade the people, that though the subsidies voted by the commons had not been finally agreed to in the usual form of a bill, it would not be proper on that account to refuse to pay them. But when this course was recommended by the judges to some five thousand citizens assembled for the purpose in Westminster Hall, the multitude shouted “A parliament! a parliament! else no subsidies!”—not more than thirty persons consenting, and those were all ascertained to be servants of the king. The men of Middlesex were convened for the same object, but, having heard the proposal, separated without expressing any opinion or determination on the subject; the men of Kent also refused, on the ground that the legality of subsidies was a question with which they were incompetent to meddle. Charles was more successful in his attempt to compel several of the seaports to supply a certain number of vessels for the protection of their trade; and the lord-lieutenants were required to train the militia of their respective counties, and to be pre-

Expedients of
the govern-
ment to raise
money.

* Parl. Hist., 194—207.

pared to exert themselves in preserving the tranquillity of the kingdom, or in defending it in case of invasion. With these projects the government occupied itself during several months after the dissolution of the parliament*.

CHAPTER II.

Misfortunes of the elector—Hopes of the court—Forced loan, oppressive conduct of the government—Liberty of the subject argued before the judges, their unconstitutional decision—War with France—Financial difficulties—Third parliament—Charles anxious to put an end to a free government—Excitement at the elections—Meeting of parliament, proceedings in the Commons—Petition of Right—Difficulty and insincerity of the king respecting it—Perseverance of the Commons—The royal assent obtained—Further measures of the commons—Parliament prorogued—Value of the Petition of Right to the cause of liberty—Fall of Rochelle—Death of Buckingham—Means employed to corrupt the opponents of the court—Apostacy of Wentworth—Parliament—Religious grievances—Case of Manwaring—Rise of Laud—Object of his party—Dispute concerning the power to decree rites and ceremonies—Increase of popery—Duplicity of Charles respecting the printed copies of the Petition of Right—Dispute with the commons—Proceedings on the second of March—Parliament dissolved—Its conduct considered.

WHILE the English monarch was thus employed with attempts to extricate himself from his domestic difficulties, the catholic confederates had driven the elector palatine and his friends across the Elbe, and the protestantism of Germany

Sept. 1626. seemed to be menaced with destruction. It was well known that the popular party in England regarded these events with sorrow and alarm; and Charles was led to hope that this passing feeling might be so directed as to afford him some relief in his present necessities. By the men of most reflection, both among the puritans and patriots, a war with Spain had been regarded as desirable from the first, principally from its being viewed as necessary to a successful interference in favour of the elector, and in defence of the religious faith, which, together with the liberties of mankind, was regarded as involved in the fortunes of that prince. The court party, and particularly the court clergy, sympathised but very imperfectly with the reformed churches of the continent. In their case, however, what was wanting in zeal for protestantism, might be made up by their deference to the will of the sovereign, while the ill success which attended the arms of the elector might possibly be so employed as to induce the two great parties to act together in support of those measures which Charles had shown himself determined, for the present, not to abandon.

* Mede's Letters, July 22, *et seq.* Rushworth, i. 417—421. Rymer, xviii. 7—86, *passim.*

In this hope a proclamation was issued which set forth some of the embarrassments, and declared the good intentions of the government. It was acknowledged to be highly proper, ^{A forced loan.} in ordinary cases, that the money necessary to carry on such enterprises should be obtained through the medium of parliament, but the danger at this juncture was said to be peculiarly urgent, and not to admit of so tedious a process. The plan proposed was that of a general loan. The rate of the last subsidy was to determine the amount of each man's property, and the assistance required was to be about four subsidies in amount. It was carefully stated, however, that the money thus raised was not to be regarded as a tax, but strictly as a loan, and to be repaid from the next parliamentary supply; and while the king endeavoured to rouse the bishops and the people generally, the archbishop of Canterbury exhorted the clergy of all ranks to employ their diligence, "both in their preachings and private conferences, to stir up all sorts of people to express their zeal to God and duty to the king." The commissioners chosen to conduct this dangerous experiment were privately instructed to treat with each man alone; to insist in all cases on the prescribed sum; to examine such as should refuse on oath; to demand a statement of the motives of their disobedience, and the names of their advisers; to enjoin the strictest secrecy on the persons delivering such information; and to make a full report to the privy council concerning all persons who should persist in a refusal*.

It had been said that the monarch was a mere tool in the hands of the favourite; but Buckingham was now absent, and Charles appears to have determined on making it evident ^{Oppressive} that the arbitrary proceedings which had been so gene- ^{conduct of the} rally ascribed to the influence of another were the effect of his own in- ^{government.} clination. The loan proved to be unpopular, and many chose rather to brave the displeasure of the government than to concur with its policy. Some of these were persons in humble life, who found their punishment in being forced from their homes and made to serve in the army or navy; while their more opulent neighbours were called before the council table, and from that lawless tribunal were sent to some distant prison. Several gentlemen thus committed added to their first offence by suing to the court of king's bench for their writ of habeas corpus, that they might thus obtain the protection which the law, if allowed its due course, would have afforded them. These confessors in the cause of civil freedom were sir Thomas Darnel, sir John Corbet, sir Walter Earl, sir John Heveningham, and sir Edward Hampden†.

* Rushworth, i. 417—426. Bibliotheca Regia, 298—305. Rymer, xviii. 764, 838—842. Parl. Hist. ii. 207—258, *passim*.

† Strafford Papers, i. 36—41. Rushworth, i. 426.

It appeared that the commitment of these persons was simply by order of the king and council, and without any mention of matters laid to their charge. This arbitrary form of commitment was declared by the counsel for the prisoners to be illegal, and their liberation was demanded, or, at least, that they should be admitted to bail. But the court refused in both cases, and the knights were returned to their confinement. This, however, was not done until the right of any government to imprison Englishmen, except on the ground of some alleged violation of the law, was argued with a freedom and fullness which left an impression on the nation with regard to that important subject that no subsequent course of affairs has been found sufficient to efface. A constitution purporting to give the power of making laws to the nation is a mockery, if at the same time it shall confer on the government the right to create offences without regard to the laws so made. Our protection against wrong, not only requires that the power of legislation should be vested in the community, but that it should pertain to that power to determine what acts may or may not be visited with punishment. The liberty of the subject was ably defended in this instance by Noy and Selden. Heath, the attorney-general, laboured to support the pretensions of the crown. It was not denied that the members of the council, in virtue of their general office as magistrates, might order individuals charged with any offence against the law into custody. But it was argued that members of council, in common with other magistrates, were bound to assign a lawful cause for every degree of restraint laid upon the person of the subject, that by this means the proper authorities might be enabled to determine whether the parties deprived of their personal freedom should be released, admitted to bail, or otherwise dealt with. If this course of proceeding was not what the law required, it must follow that the ministers of the crown might deprive any man of his liberty at pleasure, and for as long a period as might appear to them expedient. It was argued that, as a protection against this evil, Magna Charta had provided, that "no freeman should be taken or imprisoned, except by lawful judgment of his peers, or the law of the land;" and in confirmation of this memorable provision, a series of statutes founded upon it were now cited. It was not required that the process of a regular indictment should precede the taking of an accused party into custody, but merely that his commitment should be accompanied with a warrant stating its cause. It was also shown that no command of the sovereign, in whatever manner issued, could justify the imprisonment of a subject, the only authority for such an act, known to the constitution, being the seal of a court. Instances were adduced from the Tudor reigns of persons thus imprisoned by the privy council, or by the immediate authority of the crown, but who, on suing for their

writ, were released or admitted to bail. It was, however, very wisely observed, that the question, after all, was not one that should rest on precedent, "but upon the fundamental laws and statutes of the realm, and that precedents, though they look one way or the other, were to be brought back to the laws by which the kingdom is governed."

In opposing the argument of the advocates of liberty, the attorney-general had little to urge except what was grounded on the sort of precedent which had been afforded by the conduct of the English government in having not unfrequently violated these provisions of the law. The arguments, indeed, usually employed to justify those stretches of the prerogative were much dwelt upon, but the statutes designed to prevent such dangerous outbreaks of power remained, and it was manifest from these proceedings that the people now very generally demanded that those securities which the patriotism of former times had bequeathed to them should not only exist in the form of acknowledged law, but be accounted sacred, so as not to be invaded on the part of the crown under any pretext.

But the time to urge this demand with success had not arrived. The decision of the judges in this case, and a decision pronounced after much deliberation, was in substance that whatever the men of past times may have done to secure the personal freedom of their descendants, was to be a rule to the monarch and his council only at such times and in such cases as should be deemed by them expedient. When the government demanded money, however illegally, and to whatever extent, the subject was to bear in mind that there was a power inherent in the crown which would authorise the sovereign to punish the disobedient with indefinite imprisonment*.

Unconstitutional decision of the judges.
Nov. 27.

Nor was imprisonment, or the forcing of the common people into the army or navy, the only means of punishment resorted to at this juncture. Sir Peter Hayman refused the loan exacted from him, and in consequence found himself obliged to go to the Palatinate on the business of the crown; Glanvil, the distinguished lawyer, was chargeable with the same offence, and made to accept an office in the navy; while many of the people were exposed to much cost and outrage in having the soldiers who had returned from the Cadiz expedition quartered upon them†.

* State Trials, iii. 1—234. Rushworth, i. 458—462. Parl. Hist. H. 245—258. We learn from a MS. letter of the time that the counsel for the prisoners in this case were heard "with wonderful applause, even with shoutings and clapping of hands," which is noticed as very unusual on such occasions. Harleian MSS. cited in Forster's Life of sir John Eliot.

† Parl. Hist. ii. 256, 257. Rushworth, i. 418—420. Strafford Papers, i. 40. Wentworth, in the short day of his patriotism, described these "companies of guests" as violating the wives and daughters of freemen before their face, and the passage in Rushworth is to that effect. Parl. Hist. i. 236.

The discontent excited by these proceedings was not confined to the puritan or patriot parties, but extended to the nation, with the exception of a few unprincipled courtiers, and that portion of the clergy who usually acted with them. The examples from the past usages of government, which had been adduced to justify such exercises of power, were sure to be in a great degree, if not wholly, inapplicable to the present state of affairs. They were manifest irregularities, resulting, in most cases, from exigencies to which no parallel could be shown in the present circumstances of the kingdom. In the worst times, they were as exceptions to the usual temper of the government, while the object now certainly meditated was to make them the rule. The end proposed was nothing less than the substitution of a systematic in the place of an occasional tyranny,—a change that could not be regarded without alarm and indignation, except by the weak or the dishonest.

Charles was disposed to pursue this unpopular course principally from his want of money; and his want of money was the natural result of his determination neither to relinquish the war nor to allow the commons to entertain the question of grievances before proceeding to that of supplies; and, as though anxious to increase the difficulties which had led him to adopt such an arbitrary line of conduct, it was at this moment that the English monarch resolved on finding occasion for a war with France. This step, in common with so many of the same impolitic description, owed its origin to the influence of Buckingham. It is true, the attendants on Henrietta, who, at the command of Charles, had been sent back to Paris, had filled its circles with loud complaints against English perfidy, and their tales had obtained an easy credence where Charles expected that more confidence would have been reposed in him. There were also certain treaties between the French government and the churches of the protestant union, which had been made in part through the interference of the English crown, and the provisions of which, it was said, had not been strictly observed. But these circumstances alone would not have been sufficient to produce hostilities. Buckingham, who had made his professions of zeal in the cause of the Palatinate a cover under which to indulge his resentment against Spain, now affected a great concern for the independence of the Hugonots, for the purpose of venting his displeasure against the court of France, and particularly against Richelieu. But the people, who had fallen into the first snare, were more upon their guard with respect to the second.

During a visit to Paris, for the purpose of conducting Henrietta to England, the English favourite had received the most flattering attentions from the court of Louis. The scenes of gaiety which were prepared in honour of the royal nuptials suited both his taste and capacity much more than the difficulties which pertain to the wise government of kingdoms. As the favourite of two sovereigns, and the ad-

admiration of the most accomplished women in the most polished court of Europe, Buckingham presumed to indulge a romantic passion for the queen herself, the youthful Anne of Austria. But his conduct was marked; his subsequent intention to visit the French capital was checked by a message which forbade his approach; and the aspiring libertine swore, in the bitterness of his resentment, that he would still see the queen in spite of all the power of France. From this moment he became concerned to produce hostilities between the two crowns, as the means of making his enemies in the French capital sensible of his power, and in the hope of resuming his place there for the purpose of dictating the terms of reconciliation between the monarch of France and the insurgent forces arrayed against him. The dismissal of the queen's attendants he regarded as one step towards this object. He also employed himself, as lord admiral, in seizing a number of French vessels, under the pretence of their containing Spanish property, and at length appeared before Rochelle, the centre of the protestant power in France, with a fleet of a hundred sail, bearing an army of seven thousand men. But this enterprise also proved a failure; and Buckingham, after many losses, returned to England, subject to almost every reproach except that of cowardice*.

July 11.

Oct. 30.

Charles saw the use that would be made of this occurrence by the enemies of the favourite, whom he regarded as his own, and was careful to receive the dishonoured leader with every expression of unabated confidence and affection. Financial difficulties—Third parliament. He spoke of preparing a more powerful armament without delay, and assured the unhappy protestants of Rochelle that more effectual aid should soon be rendered to them. But it was less difficult to indulge the imagination upon such plans than to provide the means necessary for carrying them into effect. Mention was made of a parliament, but Charles professed to "abominate the name." Other expedients were suggested, which, upon examination, were successively abandoned, as more likely to augment disaffection than to furnish the needed assistance. Charles at length consented that his third parliament should be assembled, this being the only method by which the requisite supplies could be obtained without the utmost hazard to the tranquillity of the kingdom. It was also deemed important, in consequence of these circumstances, that something should be done to allay the popular irritation which had been excited by the arbitrary conduct of the government. Archbishop Abbot had shown himself opposed to the unconstitutional policy of the court, and pretexts for his suspension were not wanting. But the primate was now restored to his functions; the earl of Bristol

* Clarendon Hist. i. 38. Cabala, 252, 253. Rushworth, 423—428, 462—466. Warwick's Memoirs, 18—28. Strafford Papers, i. 41. Hardwicke Papers, ii. 13—51. Ellis's Letters, iii. 251. Bibliotheca Regia, 224—229. See also pp. 215—218 of this volume.

was released from the Tower ; and nearly a hundred persons, including many knights and gentlemen, whose opposition to the recent loan had subjected them to imprisonment or restraint, were indebted to this position of affairs for liberation*.

Scarcely, however, had the writs to convene the new parliament been issued, when it was ascertained that somewhat less than two hundred thousand pounds would probably be sufficient to fit out the new expedition, and, in the hope that this sum might be immediately raised, a commission was appointed to solicit contributions from the several counties, "bearing in mind that form and circumstance must be dispensed with, rather than the substance be lost or hazarded." The people were informed that their prompt compliance with this irregular proceeding would dispose the king to meet the expected parliament ; their refusal would oblige him to adopt some more speedy way of supplying his wants. But this significant intimation did not facilitate the object of the government ; the expressions of discontent, indeed, became so loud and so general, that the commissioners, more than thirty in number, were glad to avail themselves of a counter proclamation to resign their authority. Only a fortnight later the king laid some new duties on certain articles of merchandise, but when the judges, alarmed no doubt by the prospect of a parliament, hesitated to declare the proceeding legal, these instructions also were recalled†.

Beside the suspicion with regard to the real intentions of the monarch which these proceedings tended to excite, others arose from the unusual military force just now at his command. It was also part of a plan secretly formed at this moment that a body of mercenary troops should be introduced from Germany. Arrangements were actually made for obtaining the assistance of a thousand cavalry, and arms for five thousand infantry. Thirty thousand pounds were to be expended in procuring this foreign aid‡. It is admitted by the great apologist of Charles, that even before this time, "had he possessed a military force on which he could depend," he would probably at once have "taken off the mask, and governed without any regard to parliamentary privileges. But his army was new levied, ill paid, and worse disciplined, no wise superior to the militia, who were much more numerous, and who were in a great measure under the influence of the country gentlemen§." Enough came under the notice of every observant man to make this disposition on the part of the monarch notorious.

* Abbot had been suspended for refusing to license a sermon by Dr. Sibthorpe, which inculcated the legality of loans to the king. It was licensed by Laud. See the case in Rushworth, i. 435—461. Parl. Hist. 207, 217. Rushworth, 472—474.

† Rushworth, i. 474, 614. Bibliotheca Regia, 293, 294. Somer's Tracts, iv. 100—104. Rymer, xviii. 967.

‡ Rushworth, i. 474.

§ Hume, ubi supra.

The excitement, accordingly, which prevailed at the elections was such as had not hitherto been witnessed, and such, in- Excitement at the elections. deed, as our own times have hardly surpassed. At Westminster, where the influence of the duke was considerable, the court candidate lost his election by a thousand votes. Hayward and sir Robert Cotton, the late members, and highly popular men, were also rejected, on the ground that they had expressed themselves in favour of the recent loan. The successful candidates were Bradshaw, a brewer, and Maurice, a grocer. As this was the course of things almost every where, the court began to relinquish its hopes of success by means of a parliament, and it was predicted by many that the new house of commons would not exist more than a few days. These signs of the coming storm stimulated the negotiations for assistance from Germany*.

When the commons met, the house was found scarcely large enough to contain them, and many spoke of the members then convened as constituting the most honourable assembly that Meeting of Parliament. March 17. had ever appeared within those walls. The freeholders in the train of some of these commoners greatly exceeded those under the influence of the most considerable of the lords, and the aggregate wealth of the lower house was said to be three times greater than that of the upper. In addressing this assembly Charles said, "I have called you together, judging a parliament to be the ancient, the speediest, and the best way to give such supply, as to secure ourselves, and save our friends from imminent ruin. Every man must now do according to his conscience, wherefore, if you, which God forbid, should not do your duties, in contributing what this state at this time needs, I must, in discharge of my conscience, use those other means which God has put into my hands, to save that which the follies of other men may otherwise hazard to lose. Take not this as a threatening, (I scorn to threaten any but my equals,) but as an admonition from him, that both out of nature and duty, hath most care of your preservation and prosperities." So insensible was the monarch to his own weakness, and to the formidable nature of the power which at this moment presented itself before him !

The commons did not allow themselves to be drawn into fruitless disputes upon the language which had proceeded from the throne, though the temper which it betrayed, and its dark significance, would have afforded sufficient occasion for such discussions in other circumstances. It was their wiser policy to reserve their energy until something more tangible than words should become the subject of debate. In fact, their conduct seemed almost to justify a suspicion that the haughty threat of the monarch had shaken their supposed purpose, and that they were about to go into some large measure of compromise. The Lord Keeper, in further expressing the will of the sovereign, had said, "This way of parliamentary

* Letter dated March 8, 1627, in Sloane MSS.

supplies, as his majesty told you, he hath chosen, not as the only way, but as the fittest; not because he is destitute of others, but because it is most agreeable to the goodness of his own most gracious disposition, and to the desire and weal of his people. If this be deferred, necessity and the sword make way for others. Remember his majesty's admonition! I say remember it!" And the Lord Keeper probably congratulated himself on the success of his oratory when he saw Finch, a courtier lawyer, allowed to take possession of the speaker's chair, and the house vote supplies to the unusual amount of five subsidies, with a provision that the whole should be furnished in the short space of twelve months. Both Charles and Buckingham spoke of this sum as the greatest contribution ever tendered by parliament to the crown.

But this treasure could not be possessed by the monarch until the vote Proceedings in respecting it should be followed by the passing of a the commons. bill for the purpose, and at this point the commons made their stand. They had shown their willingness to supply the wants of the sovereign; they were now to show their determination to protect the liberty of the subject, and they applied themselves to this duty with a mixture of prudence and firmness not often found in the proceedings of popular assemblies. It was well known that their being allowed to assemble at all was owing solely to the necessities of the government, and that to supply those necessities without obtaining a redress of grievances, or to refuse the supply of them except in the most constitutional form, would equally ensure an abrupt dissolution. Accordingly, while the house rang with complaints, particularly with respect to the misconduct of the government during the last twelve months, the expressions of the leading speakers are as remarkable for their caution as their boldness.

Sir Francis Seymour said, "He, I must confess, is no good subject, who would not willingly and cheerfully lay down his life, when that sacrifice may promote the interest of the sovereign and the good of the commonwealth. But he is not a good subject, he is a slave, who will allow his goods to be taken from him against his will, and his liberty against the laws of the kingdom. By opposing these practices, we shall but tread in the steps of our forefathers, who still preferred the public before their private interests, nay, before their very lives. It will in us be wrong done to ourselves, to our posterities, to our consciences, if we forego this claim and pretension." Sir Thomas Wentworth appeared to express the sentiments of the house as he exclaimed, "We must vindicate—what? New things? No. Our ancient, legal, and vital liberties, by reinforcing the laws enacted by our ancestors, by setting such a stamp upon them that no licentious spirit shall dare henceforth to invade them. And shall we think this a way to break a parliament? No, our desires are modest and just. I speak both for the interests of king and people. If we enjoy not these rights it will be impossible for us to relieve him. Let us never therefore doubt a favourable reception."

It is manifest from these and similar speeches, that the question with the house of commons was not whether the constitution had or had not provided for the security of the subject in his person and possessions. On the contrary, it was affirmed again and again, and without opposition, to be the law of the land, that no Englishman should be subject to personal restraint without some stated and lawful cause for such restraint; and that the property of no Englishman should be taxed without his consent given through the medium of parliament:—and the great point in consequence was, whether it did not devolve as a solemn duty on all enlightened lovers of their country to strengthen the statutes which a noble-minded ancestry had transmitted to them on those matters, by such further provisions as might constitute a more certain barrier against the inroads of lawless power. The conclusion of the house was, that this was the course which circumstances had rendered imperative; and to accomplish this object a document was prepared under the memorable title of the “Petition of Right.” By this designation the object of the petitioners was declared to be justice, not favour;—the due enforcement of old rights rather than the introduction of any thing new.

The petitioners appealed to the ancient statutes as showing that they ought not to be obliged to pay “any tax, tallage, aid, or other like charge, not set by common consent in parliament.” They also adduced the laws which declare that no man “of whatever state or condition he be, should be put out of his lands or tenements, or taken or imprisoned, without being brought to answer by due process of law.” From the statutes on these subjects they proceeded to those relating to the uses of martial law; and complaining of the contempt of all these enactments on the part of the existing government, they ask “that no man hereafter may be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament. And that none be called to make answer, or take such oath, or to give attendance or to be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof. And that no freeman in any such manner, as is before mentioned, be imprisoned or detained.”

The discussion on this petition in the upper house extended to three days. So great indeed was the legal knowledge and ability which appeared in the cause of the subject, that the attorney-general fled to the assistance of counsel in behalf of the crown. Even with this aid, victory was on the side of his opponents. That the lords should choose a middle course, or at least make a show of doing so, was to be expected. Without attempting to deny that the whole object sought by the petition was to make the government of the country more conformable to its acknowledged laws, amendments were proposed, which, in practice, would have served to neutralize the design of that instrument, and of the statutes on which it

Difficulty and insincerity of the king respecting it.

rested. These were at once rejected by the commons, and through two whole months Charles resorted to every available subterfuge in the hope that an escape from the necessity of giving his consent to the petition might still be found possible. The judges were secretly consulted, and their answer in substance was that the practice of the government might continue the same, though the proposed bill (for this was the form which the petition had now assumed) should receive the royal assent. Encouraged by this decision Charles presented himself to the upper house for the purpose of giving that assent; the commons hastened to the bar, and while expecting the monarch to express his approval by saying, "Let it be law, as is desired,"—the usual form—were astonished to find the royal answer put into the following novel and ambiguous shape:—"The king willeth that right be done, according to the laws and customs of the realm, and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong or oppression, contrary to their just rights and liberties, to the preservation whereof he holds himself as well obliged as of his prerogative." Men who had given so many proofs that they were not to be deceived by the most covert artifice might well be surprised and indignant at this poor effort to deceive. No one could be in doubt with regard to the purpose for which the monarch had deserted the established usage in this case; and every one knew that if nothing more than these vague expressions was to be obtained, nothing was obtained.

Much now depended on the manner of meeting this unexpected difficulty. When the king's answer to the petition was read to the lower house, sir John Eliot, we are told, stood up, and made a long speech, wherein he gave forth so full and lively a representation of all grievances, both general and particular, as if they had never before been mentioned." The object of the speaker was to concentrate the resentment of the house upon Buckingham, as the source of all the evils enumerated, and by this means either to remove that minion from all connexion with the king and the government, or to compel Charles to sanction the petition of right in the legal form as the price of retaining him. The next day a message was sent to the house, calling upon the members in the name of the king, to abstain from all new matter, and at once to conclude the necessary business, as the session would close in six days. The day following the commons received a similar message, with a special injunction not to employ their time on subjects tending "to the scandal of the state, or of its ministers."

Sir Robert Philips and sir John Eliot expressed themselves deeply grieved at witnessing these attempts to frustrate the just and patriotic intentions of the house; and the latter began to touch on the conduct of government,—but the speaker, "starting up in his chair, said, with tears in his eyes, that a command had been laid upon him to interrupt any

that should go about to lay an aspersion on the ministers of state." This was meant for the protection of Buckingham, and Eliot resumed his seat in silence. One member, writing to a friend the next day, says, "sir Robert Philips spoke, and mingled his words with weeping; sir Edward Coke, overcome with passion, seeing the desolation that was like to ensue, was forced to sit down when he began to speak, through the abundance of tears; yea, the speaker in his speech could not refrain from weeping and shedding of tears; besides a great many whose great griefs made them dumb and silent*." Modern statesmen afford few examples of this sort of weakness, partly because we do not see the great interests of the community exposed to the same degree of hazard, and still more, it is to be feared, because we have but an imperfect sympathy with a patriotism so earnest and devoted.

But these bursts of sorrow were followed by acts which bespoke the return of vigorous purposes. With the view of protecting themselves against the probable resentment of the court, should the threat with respect to closing the session be carried into effect, it was declared that the conduct of every member of the house during the whole session had been dutiful and proper; and it was further agreed that the house should go into committee on the question respecting what was best to be done for the safety of the kingdom in the present posture of affairs, and no man was to absent himself on pain of being sent to the Tower. The speaker marked these proceedings with alarm, and begged permission to leave the house for half an hour, and, as his courtier inclinations were at present only in part suspected, his request was granted. He went to the king, and during the three hours of his absence the attack on Buckingham was renewed, the house rang with acclamations, and all seemed to concur in denouncing him as "the grievance of grievances." The speaker on his return declared it to be the king's pleasure that the house should adjourn until the next morning, and that in the mean time all committees should cease.

On that morning Charles made his last attempt to evade a satisfactory answer to the Petition of Right; on the day following the commons were required to meet him in the upper house; The royal assent obtained. there the petition was read, and the usual answer returned, June 7. on which the members of the lower house, who crowded round the bar, raised loud shouts of applause. The bill relating to the five subsidies was now passed without delay†.

The house also gave its sanction to the collecting of the tonnage and poundage at the ports, but in such a form as to Further measures of the Commons. declare that branch of revenue, as well as the ordinary taxes, to be dependent on the consent of parliament.

* Rushworth, i. 609.

† For the interesting details of this session to this point, see Parl. Hist. ii. 217—408.

Nor was this deemed sufficient: a remonstrance was prepared against the conduct of the government in presuming to collect those customs, since the first year of the king's accession, without such sanction; and to this another was added, which attributed the late dishonours of the state in the sight of Europe, the loss of dominion in the narrow seas, the decay of commerce, and many other evils, to the vices and incapacity of Buckingham, and in conclusion called for his removal from office, and his exclusion from the court. With respect to the question of tonnage and poundage, the law was on the side of the patriots; but custom had so long assigned that department of revenue to every new sovereign for life, that we may well excuse some displeasure in Charles on finding himself subject to a restraint in that particular, which it had not been thought necessary or practicable to impose on his predecessors; and the remonstrance which called for the dismissal of the favourite, if better supported by precedent, was still less acceptable to the monarch, and a proceeding of questionable prudence at such a moment.

Charles was much displeased, and resolved to bring this important session to a close. To the commons he said, that he owed Parliament to give an account of his actions to God only, but it was prorogued. June 26. his pleasure to make them aware of his reasons for calling them so suddenly to meet him, before his assent had been given to their bills. These reasons were found in the nature of their remonstrance against Buckingham, and in their having so misinterpreted the Petition of Right as to suppose that it gave them any power over tonnage and poundage. On the matter of that petition generally he wished them to be aware that, while he would be found to respect it in the conduct of his government, he had not thereby granted any new, but had simply confirmed the ancient liberties of his subjects. "As for tonnage and poundage," he continued, "it is a thing I cannot want, and was never intended by you to ask, nor meant by me, I am sure, to grant. To conclude, I command you all that are here to take notice of what I have spoken at this time to be the true intent and meaning of what I granted you in your petition; *but especially you, my lords, the judges, for to you only, under me, belongs the interpretation of laws.*" The answer of the judges to the questions of the king with regard to that petition had been, that it would have its exceptive cases, and that each of these must be left to be decided by the courts of justice*.

Persons who were ignorant of that answer, and only heard the language of the sovereign, could hardly fail to conclude that Importance of the Petition of Right. it was his intention to be governed by the Petition of Right scarcely more than by the statutes which it had been framed to strengthen. But with all their fears, the patriots could not be insensible that the triumph of their cause had been such as to render

* Parl. Hist. ii. 408—433.

this session one of the most memorable in our parliamentary history. The Petition of Right, like its venerable parent the Great Charter, might be viewed with jealousy by sovereigns, but could hardly fail to be regarded by the people as a most solemn recognition of their liberties. Like the articles of Runnymede, its provisions might be sometimes evaded, and sometimes set at nought, but, like those articles, they were not to be forgotten by the nation, but rather to be brought into prominence whenever the spirit of popular freedom should be found capable of making a stand against the encroachments of tyranny under the plea of prerogative. Its immediate effect, no doubt, was to place Charles in a relation considerably different towards the people whom he was in future to govern. His arbitrary measures could not be resorted to without their appearing to be more manifest violations of law, nor without giving a deeper offence to the moral sentiments of the people. It may be admitted that by this event a change was produced "in the government, almost equivalent to a revolution;" but it must be borne in mind that the change was in the *government* only, not in the *constitution*;—the law remained the same, but the due administration of it was rendered more probable.

Parliament, prorogued in June, did not reassemble before the following January. Charles employed himself during this interval in extending his promised assistance to the French protestants. Lewis and the cardinal Richelieu prosecuted their attack on Rochelle with a formidable fleet and army. Twice the English fleet approached the enemy; in the first instance under the command of the earl of Denbigh, when it merely reconnoitred the proceedings of the combatants, and returned to England; in the second, under the earl of Lindsey, who, after inflicting some injury on the fleet of the besiegers, witnessed the surrender of the town at discretion. It was not by much more than a twelfth of the French nation that the protestant faith had been embraced; but this minority, in consequence of the intolerance, and of the factious spirit, which long prevailed in the French court, had assumed much of the form of an independent republic, being leagued together for their common protection. From this period, however, all effective confederation ceased; and the government, by adopting a lenient policy towards the vanquished, concentrated the resources of the country so as greatly to augment the power of the French monarchy. It remained for Lewis XIV. to revoke the edict of Nantz, under which the protestants enjoyed toleration, and thus to force more than half a million of the most industrious and virtuous of his subjects into exile.

Previous to the fall of Rochelle, Buckingham had ended his course. The armament which appeared before that place under the command of the earl of Lindsey was to have been entrusted to the favourite, who hastened to the embarkation at Portsmouth. It is now well known that at this moment both Charles and Lewis

Fall of
Rochelle.

Death of
Buckingham.

were desirous of peace, but neither would descend to propose what either would have been happy to accept. Buckingham's instructions, accordingly, were not so much to prosecute hostilities as to put an end to them by any means which should not lower the dignity of his sovereign. Charles now saw, what he might have seen before, that his struggle with Lewis must render it impossible that he should interfere with any effect in the cause of the Palatine; and that could he succeed in diminishing the power of France, the only result would be to increase that of Austria, and thus to render the prospects of the unfortunate elector more hopeless. It was not, however, until this manifest tendency of his conduct had called forth many expressions of astonishment from the powers in league against Austria, that Charles seemed capable of viewing his mistaken policy in its proper light*.

The duke, while at Portsmouth, held a conference one morning with some French protestant gentlemen on the condition of their affairs; and, after a debate of some warmth, was proceeding to his carriage, when, turning towards a gentleman who spoke to him on his right, a knife was plunged through his left side to the heart. He drew it forth, uttered the word "villain," and, falling into the arms of those about him, expired. In the confusion and alarm of the moment some thought him struck with apoplexy, others, who saw the blood rush from his side and mouth, began to suspect the French gentlemen, and it is probable they would not have escaped injury, had not the assassin discovered himself by drawing his sword and exclaiming, "I am the man." He would have died on the spot, but was rescued by the greater self-possession of others, who were anxious to ascertain his motives, and who judged that such a deed could hardly have been planned without accomplices.

On being questioned, the deluded man said his name was Felton, that he was a protestant, and that he had acted without disclosing his purpose to any one. His complaint was, that, as a lieutenant in the army, he had seen in two instances junior officers advanced before him, and that he had applied in vain for his arrears of pay, amounting to eighty pounds. The house of commons, moreover, had declared Buckingham to be the great national grievance; he believed that declaration, and regarded it as a sufficient commission for what he had done. He had travelled seventy miles for that object; he had removed the duke from no enmity against him otherwise than as the bane of his country; and when he struck the blow he had prayed that God would have mercy on his soul. At a subsequent interview, the earl of Dorset threatened him with the rack; he replied that he was ready, but added that the only name which should be wrung from him as that of an accomplice, would be the name of my lord of Dorset. Charles pressed the use of torture,

* Rushworth, i. 630. Ellis, iii. 252. Carleton's Letters, xxi. For a notion of the ulterior plans which sometimes floated before the imagination of Buckingham, see Clarendon Papers, 14—18.

but the judges, on being consulted; found that such methods of obtaining evidence were contrary to the law of England; so marked had been the effect of recent discussions in the house of commons on the intelligence and humanity of the court of king's bench. Felton suffered as a murderer, but acknowledged, before his death, the delusion which had influenced him and the guilt of his conduct*.

Much as the reader's attention has been occupied with George Villiers duke of Buckingham, that personage, so prominent in English history, was not thirty-six years of age at the time of his death. His contemporaries generally speak of the gracefulness of his person; and that his manners were highly fascinating towards those whom it was his object to please cannot be doubted. It is to these causes that we must attribute the influence which he continued to exercise over the minds of James and Charles. But he possessed little wisdom himself, and disdained to be beholden to others for guidance. He would acknowledge no equal, except in the sovereign; and those, in consequence, who were immediately about him, were mostly his dependents, men more disposed to flatter his inclinations than to attempt any correction of his errors. Without principle of any kind, he was capable of descending to the grossest indecencies both in language and conduct, and was little concerned at the indignation of subjects so long as the favour and power of the prince were sufficient for his protection. His boundless ambition, together with his want of the judgment necessary to shape his course according to circumstances, made him the adviser of public measures which broke in upon the most valued liberties of the people, filled all places with his enemies, and would probably have brought him to the block, had not the fanaticism of Felton anticipated the more natural issue of affairs.

If anything could have saved the favourite from the power of his enemies it would have been the policy which he condescended to adopt a little before his death; this was to detach some of the popular men in the commons from their party, by offering them the distinctions and emoluments of the court. In all governments subject in any degree to popular, or even to aristocratic influence, expedients of this nature, more or less modified, have been resorted to; but in England, the prerogative had long been so powerful as to preclude the necessity of any marked or systematic recurrence to such means of thin-

Means employed to corrupt the opponents of the court.

* Howell's Familiar Letters, 202. Warwick's Memoirs, 32, 33. Rushworth, i. 651—653. State Trials, iii. 367. Ellis, iii. 256—260, 266, 267, 278—282. Warwick remarks "that they that a little before crowded to be of his remotest followers so soon forsook his dead corpse, that he was laid upon the hall-table nigh to which he fell, and scarce any of his domestics left to attend him. Thus, upon the withdrawing of the sun, does the shadow depart from the painted dial." The duke was privately buried, though a mock funeral, of some ceremony, was conducted during the night from Wallingford House. Ellis, 264, 265.

ning the ranks of disaffection. The fact, however, had now forced itself on the attention of the court in a manner not to be misunderstood, that unless means could be devised to bring a greater number of the able men in the lower house to the service of the government, it would not be possible that it should long proceed, every parliament dissolved for many years past having been succeeded by another still more popular in its principles and feeling.

In the last session, sir Thomas Wentworth, abandoning the neutral Apostacy of course which he had been careful to maintain since his Wentworth. first appearance in parliament in 1614, had taken his place with the popular leaders; and the eloquence and ability which he displayed were regarded as a great accession to the strength of the party he had chosen*. In Wentworth's transactions with the government before this time, there had been indications which could not have failed to satisfy those who knew him, that his temper was such as to make it more natural in him to court the favour of the sovereign than that of the people. But the favourite had long regarded him with jealousy and dislike, which he had recently shown by depriving him of the office of *custos rotulorum* for his county, having attempted the same thing some years before. It was the feeling of Buckingham also which led to the selection of Wentworth's name for the office of sheriff, that he might not be elected to the king's second parliament; and the same influence had been successfully employed against him in a dispute before a committee of the commons with respect to an election for Yorkshire which he had contested with sir John Savile, the names of Wentworth and Savile being so powerful in that county as to divide it between them. Savile, not content with this triumph, prevailed on the court to send Wentworth a privy seal, requiring him to become a loan contributor:—should he refuse, the sovereign, who was already suspected of holding him in some esteem, would number him with the disaffected; and should he comply, his influence with the country party would be lost.

Wentworth, after much delay, which the court was not yet wise enough to improve, chose to abide the consequence of appearing as a loan recusant, and having answered with much decorum at the council-table, he was committed to the Marshalsea prison. Thus slighted and injured by the court, his doubtful patriotism broke forth on the meeting of the next parliament in eloquent harangues on the side of popular freedom. The king's ministers now called to mind the unanswered letters of this much applauded and formidable opponent, and judging it probable that it might not even yet be too late to secure his alliance, the lure of court favour was employed, and with memorable success. Wentworth had

* The Wentworth who made himself obnoxious to the king in the parliament of 1614 and was imprisoned, was not, as frequently stated, the member for Yorkshire, but a popular member of that name who sat for Oxford. This is shown beyond dispute by Mr. Brodie; and in the Life of Strafford in the Cabinet Cyclopædia, 197.

seen his rival, sir John Savile, raised to the dignity of privy counsellor, and to the office of comptroller of the household, as the reward of *his* apostacy in favour of the court; and as the fruit of following the example thus set before him he was himself created baron, and within a few months became viscount, and lord president of the north. It thus appears that the short-lived patriotism of Wentworth was the effect of circumstances, and not the result of his real principles or inclinations; with these the course of arbitrary power, which he will be found to pursue with such fixed purpose from this time, was much more accordant. The removal of Buckingham made way for Wentworth, as, in some degree, his successor*.

To satisfy the duke, Charles had exposed himself to suspicion and complaint with the majority of his people, and it was expected that the news of his death would be received with the strongest expressions of sorrow. But the king checked his emotion, and reserved such expressions for his private intercourse. His conduct in paying the debts and providing for the relatives of the deceased afforded the best proof of the affection cherished towards his memory. Buckingham's remains were interred in Westminster Abbey; and Charles, who spoke of him as a martyr in the cause of his sovereign, had sufficient opportunity to make his enemies aware that their conduct had been marked and remembered.

The death of the favourite, and the fall of Rochelle, were soon followed by another meeting of parliament. The first object of the commons was to revive the several committees on grievances. Proceedings in parliament, Jan. 20, 1629. Since the prorogation Charles had persisted in collecting the duties on merchandise at the ports, though the form of the bill relating to them remained a matter of dispute between himself and the commons at the prorogation. It was a branch of his revenue which nothing could induce him to regard as dependent, like other taxes, on the pleasure of parliament. But the demand of the royal officers had been resisted, on the plea that the duties had not been legally imposed; and Charles, aware of the dangerous consequences of such collisions, became anxious to see some settlement of the matter, and called the attention of the house to the subject. Many among the country party were disposed to act on this suggestion, but a majority determined that the state of religion should be considered before entertaining any secular question.

On the subject of religion, the great complaints were, the increase of popery, and the patronage bestowed on Arminian clergy- Religious grievances—Case of Manwaring. men by the government. The case of Montague has been mentioned, and two years later his conduct was imitated by Dr. Manwaring, rector of St. Giles's. Amidst the excitement occasioned by the illegal proceedings of the government in 1627, and par-

* *Strafford Papers*, 1—46, *passim*.

ticularly by the forced loan attempted in that year, it happened that this divine was called to preach before the king and the court, on which occasion he affirmed that aids and subsidies might be exacted without consent of parliament, the sole authority of the crown being so assuredly binding, that no man could refuse compliance but on pain of destruction to his soul. The sermons containing these doctrines were printed and published under the title of "Religion and Allegiance." But the king did not find such discourses sufficient to prevent the necessity ere long of assembling his third parliament, and they were soon brought under the notice of the lower house with some forcible comments from one of its members. On the following day Charles urged the dispatch of necessary business, adding, that in seven days the parliament would be prorogued. But the house proceeded in preparing a declaration that should express its abhorrence of the political heresies which had been recently uttered in the royal presence; and, the same day, Pym, an active member on all such matters, appeared at the bar of the upper house to prefer his charges against the person who had uttered them. His speech justified the confidence reposed in him, and may be taken as a fair specimen of the manner in which such questions were discussed in those times.

"The case," he observed, "was one of peculiar aggravation. First, from the place where these sermons were preached,—the court, the king's own family, where such doctrine was before so well believed that no man needed to be converted. Of this there could be no end, but either simoniacal, by flattering and soothing to make way for his own preferment; or else extreme malice, to add new afflictions to those who lay under his majesty's wrath, disgraced and imprisoned, and to enlarge the wounds that had been given to the laws and liberties of the kingdom." The second aggravation was in the function of the offender. "He is a preacher of God's word, and yet he hath endeavoured to make that which was the only rule of justice and goodness to be the warrant for violence and oppression. He is a messenger of peace; but he has endeavoured to sow strife and disunion, not only among private persons, but even betwixt the king and his people, to the disturbance and danger of the whole state. He is a spiritual father; but like that evil father in the gospel, he has given his children stones instead of bread, and scorpions instead of fish. Lastly, he is a minister of the church of England; but he has acted the part of a Romish jesuit. The one labours for our destruction, by dissolving the oath of allegiance taken by the people; the other does the same work by dissolving the oath of protection and justice taken by the king."

The preacher was ordered to appear at the bar of the house, where he attempted to explain away some of his expressions and to soften others, and appealed to the compassion of his judges with regard to the rest. After an examination of three days, he was sentenced to be imprisoned

during pleasure, to pay a fine of 1000*l.*, to be suspended for three years from the exercise of his ministry, and was declared incapable of being promoted to any ecclesiastical dignity or secular office. It was agreed also that the king should be urged to suppress the obnoxious discourses by proclamation, and to command their being publicly burnt in London, Oxford, and Cambridge, and that the offender should make humble confession of his enormities at the bar of both houses ;—and these things were accordingly done*.

During these proceedings, Charles showed himself concerned to disavow the opinions which called forth so strong and general an expression of displeasure. It was ascertained, however, that the sermons had been published at the command of the king, and that this command had been repeated, notwithstanding a remonstrance against it even by such men as bishop Laud. Parliament was prorogued a few days later, and in the interval which preceded its present meeting the king had raised Dr. Montague to the see of Chichester, pardoned Manwaring, and conferred on him the rectory of Stanford Rivers in Essex, with a dispensation enabling him to hold it with the rectory of St Giles's. The contradiction between the professions and the conduct of the monarch, which thus became notorious, taught men, of necessity, to attach but small weight to assurances coming from the throne.

Montague and Manwaring may be viewed as representing the numerous class of persons known as the court, or the Arminian clergy. Bishop Laud was already the principal leader of ^{Rise of Laud.} this party. A little before the death of James, Laud was raised to the see of St. David's, though not without some misgiving on the part of that monarch with regard to the mischiefs that would probably result from the restlessness and obstinacy which had already characterised the ecclesiastical aspirant. Soon after the accession of Charles, Laud was translated to the see of Bath and Wells ; and on the decease of Buckingham, who had regarded him with peculiar confidence, he rose to a much higher place in the esteem of his sovereign, his elevation to the see of London in 1628 having prepared the way to his becoming one of the most effective members of the privy council.

On the subject of civil government, the maxims of Laud, and those of the school to which he became a kind of leader, were ^{Objects of the} taken from the practice of the most despotic states ; and ^{Laudian} their notions with respect to ecclesiastical polity and forms ^{clergy.} of worship were distinguishable in a faint degree only from those of the Romish church. Their sentiments on such matters were generally known, and were not more acceptable to the court than offensive to the nation. It is not easy to discover any natural association between the theological tenets of Arminius and the principles of an arbitrary civil government.

* Parl. Hist. 377, 388, 414, 428.

On a slight view of the matter, it would seem less difficult to trace a connexion of this sort in the more severe dogmas of the Calvinist. But whatever may have led to it, the fact is notorious that the labours of the Laudian clergy were directed to three points,—the diffusion of the doctrines of Arminius,—the support of the prerogative in all the extravagance of its contest with the advocates of popular liberty,—and the assimilating of the polity and worship of the English church in as great a degree as was practicable to the Romish model. The more zealous puritans, on the contrary, whether among the clergy or in the house of commons, were not only Calvinists in theology, but were generally men who would have narrowed the jurisdiction of the prelates, and who would have conformed the established ritual to that of the Reformed churches on the continent, or to the simple model which they regarded as having obtained in very early times.

Nor was this exclusive favour of the court towards the Arminian, or, as they now began to designate themselves, the orthodox clergy, the only matter of complaint. Listening to counsels from that quarter, Charles, as head of the church, had lately issued a new edition of the articles, containing a clause which declared that “the church hath power to decree rites and ceremonies, and hath authority in matters of faith,” and setting forth that the settlement of all controversies with respect to discipline and worship, and the true meaning of the said articles, belonged of right to the houses of convocation*. This very material clause had no place in the book of articles published under Edward VI., nor in the edition made authoritative by act of parliament in 1571. After that time it was sometimes inserted and sometimes omitted in the authorised copies, but in no instance had it obtained the sanction of the legislature. The edition which made its appearance in 1628 came forth under the superintendence of Laud, and the disputed clause, as it was natural to expect, was then introduced. The debate on this subject took place seven days after the meeting of parliament, when the house was called for the purpose, and sir John Eliot appeared as the principal speaker. He called upon the house, in the most solemn terms, to resist this attempt to vest in the king and clergy the power to disturb the religious faith and the most sacred usages of the realm at pleasure, and to enslave, not only the persons, but the consciences, of freemen; since nothing would be more easy than to introduce new things, not only Arminianism but even popery itself, under the pretence of interpreting the old, if the exclusive right to act as interpreters were once conceded to those who now claimed it. Concluding that the ambitious spirits which had gone thus far would be rash enough to go farther, Eliot exclaimed,—“But I give this for testimony, and thus far do I express myself against all the power and opposition of those men. Whosoever

* Bibliotheca Regia, 213—216.

any opposition shall be, I trust we shall maintain the religion we profess, for in that we have been born and bred; nay, sir, if cause be, in that I hope to die. Some of these, sir, you know, are masters of ceremonies, and they labour to introduce new ceremonies into the church. Some ceremonies are useful. Give me leave to join in one that I hold necessary and commendable,—that at the repetition of the creed we should stand up, to testify the resolution of our hearts that we would defend the religion we profess. In some churches, it is added, that they do not only stand upright with their bodies, but with their swords drawn! And if cause were, I hope, to defend our prince, country and religion, we should draw our swords against all opposers.” The expression, “masters of ceremonies,” referred particularly to Laud, who was mentioned a few days later as the person whose zeal for such things was likely to spread the flame of religious discord through the land. The immediate effect of Eliot’s speech was the recording of a “vow” in the journals, in which the commons of England “claimed, pro-
fessed, and avowed for truth, that some of the articles of
religion, which were established in parliament in the thirteenth year of Elizabeth, which, by the public acts of the church of England, and by the general and current exposition of the writers of that church, had been declared unto them, and that they rejected the sense of the jesuits, Arminians, and of all others, wherein they differed from it.”

Jan. 29.

With regard to the alleged increase of Popery, this was described as the natural consequence of the supineness or lenity of the government. Of ten priests lately apprehended, one only had been condemned, and the law was not enforced even in his case. Two committees were appointed to interrogate the judges, and the attorney-general, on this subject, and every member was called upon to state whatever he knew respecting the cause of so much remissness in the administration of the laws against recusants*.

Complaints of
the increase of
Popery.

While the commons were employing themselves on these irritating topics, Charles called upon them repeatedly to have some consideration of his wants, and to pass the bill of tonnage and poundage without any further loss of time. But he soon found that his subjects had other matters of complaint beside those which respected religion. Immediately after the prorogation, the king’s printer had prepared fifteen hundred copies of the Petition of Right for distribution by sale, having the king’s last answer to that much valued document attached to them. Charles, in a moment of almost inexplicable weakness, commanded the printer to destroy that edition, and to prepare another, inserting in the place of that answer the evasive one which the commons had compelled him to recall, and with it the suspicious statements which he had made at the

Duplicity of
Charles with
respect to the
printed copies
of the Petition
of Right.

* Parl. Hist. ii. 248, 449, 458, 464, 467, 473—476, 483. Rushworth, i. 649.

close of the last session, as expressing his own judgment of the true import and design of the petition. No means could be devised to save the king from the disgrace of this proceeding, and as it became matter of general notoriety, its effect upon his character was of the most injurious description—for after this, who could either think creditably of his understanding, or place the slightest confidence in his sincerity*?

Charles now endeavoured to calm the excitement which his conduct had occasioned. He publicly admitted that the duties of tonnage and poundage were received by himself and his predecessors as a gift from the subject, and assured the commons that nothing recently said or done by him was meant to contravene the great principle included in this concession. It was determined accordingly, that the duties should be voted, but it was first demanded that a reparation should be made to the persons who, in consequence of their not being levied with consent of parliament, had refused to pay them, and who had been sufferers on that account. The officers who had been thus illegally employed became alarmed, and fled to the protection of the sovereign; and Charles was at length induced to admonish the house that it was not his pleasure that any of his servants should be punished in consequence of acting according to his instructions. It did not require the sagacity which distinguished the leading men in the commons to discover the repugnance of such a prohibition to every principle of freedom;—an irresponsible king, and irresponsible ministers, being all that is necessary to constitute the most perfect despotism. Eliot had argued, that it became not the house to be satisfied with repairing the injuries done to the merchants whose goods had been illegally seized. The delinquency of the men who had made such seizures should be visited with signal punishment, and in the mean time every threat of the king's displeasure reported to them by his ministers should be interpreted as a libel on his Majesty's sense of justice. When the royal message above mentioned was announced, there was reason to apprehend that the moment of a more dangerous struggle between the crown and the people than had hitherto occurred in our constitutional history had arrived, and the house adjourned itself for two days.

Its next meeting was on the twenty-fifth of February, when the committee of religion had brought its report to a close, and a paper containing many charges, directed principally against Laud, was agreed upon to be presented to the king. For a moment the house seemed to be losing sight of the more obnoxious matters of complaint respecting the king's officers and the merchants. But Charles was too much offended to adopt the course which sound policy would have suggested at this juncture. He might have broken the force of the opposition on the question of tonnage and poundage, by showing a disposition to conciliate on the ques-

* Parl. Hist. ii. 435—437.

tion of religion. But he chose rather to command an adjournment of several days.

The commons now determined that their remonstrance should embrace both their civil and their ecclesiastical grievances. In the paper produced at their next meeting they insisted that the delay in passing the bill of tonnage and poundage had been strictly necessary, if the object for which they were convened was to promote, to the extent of their power, the good of the commonwealth; and they concluded by expressing their solemn regret, that their efforts to serve both his majesty and the country by placing every branch of the revenue on a constitutional basis had been rendered fruitless, and that nothing now remained to them but to affirm "in this humble declaration, that the receiving of tonnage and poundage, and other impositions not granted by parliament, is a breach of the fundamental liberties of this kingdom, and of the royal answer to the Petition of Right." Not content with this declaration to the sovereign, Eliot prepared a protestation on the principal matters in debate, consisting of three articles drawn up in the following terms:—"First, Whoever shall bring in innovation in religion, or by favour seek to extend or introduce Popery or Arminianism, or other opinions disagreeing from the true and orthodox church, shall be reputed a capital enemy to this kingdom and commonwealth. Secondly, Whosoever shall counsel or advise the taking and levying of the subsidies of tonnage and poundage, not being granted by parliament, or shall be an actor or instrument therein, shall be likewise reputed an innovator in the government, and a capital enemy to the kingdom and commonwealth. Thirdly, if any merchant or other person whatsoever, shall voluntarily yield or pay the said subsidies of tonnage and poundage, not being granted by parliament, he shall likewise be reported a betrayer of the liberties of England, and an enemy to the same."

On the morning of the memorable second of March, 1629, Eliot entered the house with the fixed purpose of strongly recommending the immediate adoption of these resolutions. Proceedings in the Commons Prayers were no sooner ended, than he rose and denounced on the second of March. the bishop of Winchester, and the lord treasurer Weston, as men in whom the evil policy of the late duke still found support. The latter, especially, was described as the great enemy of the commonwealth, and as employing every secret influence for the destruction of parliaments, their existence being incompatible with the impunity of his own bad actions; and fearing that this influence would be employed with too much success, the orator concluded by declaring, that should he ever meet again in that honourable assembly, where he had now finished he would then be found to begin. He then advanced toward the chair, exhibited the remonstrance prepared to meet the eye of the sovereign, and called upon the speaker to read it. The speaker refused; he then presented the document to the clerk, who also refused. Not at all dis-

mayed by an impediment so unusual, Eliot now read the remonstrance himself, and demanded of the speaker that he should put it to the vote. That officer, still refusing, at length said that he was commanded otherwise by the king. This confession was followed by an indignant censure from Selden; and the speaker on rising to leave the chair was forced back again by Hollis and Valentine. Several of the privy council interposed for his rescue, but he was compelled, by the strong hands upon him, to remain sitting, and Hollis swore that he should not rise until it should be the pleasure of the house to separate. Violent disorder now spread through the house. The speaker with tears implored that he might be permitted to withdraw. Sir Peter Hayman, his kinsman, reproached him as the disgrace of a noble family, and as a man whose pusillanimity would make him the contempt of all future times. The confusion increased, and some members were seen placing their hands upon their swords, when the voice of Eliot rose above the rest as he declared that he would express with his tongue what the paper in his hand should have done. Throwing the remonstrance upon the floor, he placed the protestation in the three articles in the hands of Hollis, exclaiming that nothing should prevent their making that declaration. Hollis, assuming the function of the speaker, read the resolutions, and they were adopted amidst loud acclamations. During these proceedings Charles sent, first, the sergeant at arms, and then the usher of the black rod, to bring away the mace—but the doors were locked. He was meditating a forced entrance with his guard, when, Eliot's resolutions having passed, the doors were thrown open, and the members suddenly disappeared, passing in a crowd through the street*.

The house separated, in obedience to the royal message, until the tenth Parliament of March: on that day Charles went to the lords, and, dissolved. having in the course of his speech described the leaders of the opposition in the commons as "vipers" who should have their reward, dissolved the parliament.

There were men in that age who did not profess themselves of the court party, and who regarded the speeches of the popular Conduct of the Commons to- ward Charles considered. leaders and the proceedings of the lower house as somewhat ill-advised. According to these persons the commons should have been satisfied with the king's acknowledgment that the duties at the ports depended, like other taxes, on the consent of parliament; and should not have pressed for any inquiry respecting the conduct of the persons who had lately exacted such duties regardless of that consent. And the house would perhaps have acted wisely to have stayed at this point for the present. But the language of the speech in which Charles addressed the commons at the close of the last session, his eagerness to bestow preferments on such men as Montague and Manwaring, after the most open disavowal of their

* Parl. Hist. ii. 441—491, 504—513; Rushworth, i. 600, 605—679, 679, 691.

dogmas, and his duplicity in the matter of the printed copies of the Petition of Right, had all tended to leave but little room for confidence in his professions, and to make every thing depend on the strict responsibility of those who should become the instruments of his pleasure in contempt of the laws. In the judgment of the patriots, the benefit of examples which should serve to fix the responsibility of such persons could not be too early secured: nor was any time to be lost in adopting vigorous measures to prevent the pulpits of the hierarchy from becoming subservient to the diffusion of principles among the people destructive of all freedom. Clarendon states that he was well acquainted with the proceedings of the three parliaments assembled by Charles previous to 1629, and expresses his wonder at the councils which disposed the government to such courses. "It is not to be denied," he adds, "that there were in all those parliaments, especially in that of the fourth year, several passages and distempered speeches of particular persons, not fit for the dignity and honour of those places, and unsuitable to the reverence due to his Majesty and his councils. But I do not know any formed act of either house (for neither the remonstrance or votes of the last day were such) that was not agreeable to the wisdom and justice of great courts, upon those extraordinary occasions. And whoever considers the acts of power and injustice, in the intervals of parliament, will not be much scandalized at the warmth and vivacity of those meetings*." These admissions in favour of the popular party are from an enemy. And, indeed, so far were those great men from having passed the boundary of the constitution to entrench on the prerogative, that they had not yet proceeded so far as to claim the whole of the safeguards which the law of the land would have authorized them to demand. They claimed no more security in any case, either for their persons or possessions, than the unrepealed statutes of the realm had awarded to them; and had they prayed now for the abolition of the court of star-chamber, as they prayed in the last reign for the abolition of the court of high commission; and had they furthermore insisted that the time for the meeting of parliament should be determined by enactment, and not left to the pleasure of the crown; it would have been possible for them to have shown, not only that such measures were of paramount importance if their liberties were to be duly protected, but that they were in harmony with the most venerable forms of the constitution. But the people in general were not yet prepared for these bolder enterprises.

* Hist. i. 8, 9.

CHAPTER III.

Policy of Charles—His Proclamation—Members of the Commons imprisoned—Proceedings against them—Death of Eliot—Four periods in the reign of Charles I.—Peace with France and Spain—The Cabinet, other instances of political apostacy—Illegal methods of aiding the Revenue—Compulsory Knighthood—Revival of the Forest Laws—Monopolies—Abuse of Proclamations—Ship-money—Trial concerning it—Star-Chamber, its proceedings in the case of Leighton, Prynne, Bastwick, Burton, and Bishop Williams.

It is probable that Charles was not wholly displeased with the excitement which prevailed in the commons during the proceedings of the second of March. It was one of the incidents which might be made to afford a decent pretext for dispensing with the use of parliaments, until some more adequate experiment should be made with a view to supersede such assemblies altogether, or to render them the passive instruments of the crown. To such a course Charles was somewhat disposed by circumstances, but more by inclination, and it had never been contemplated by him with so much firmness and deliberation as at the present moment.

The parliament was no sooner dissolved than a proclamation was issued, the design of which was to justify the sovereign in what he had done, and in adopting those new methods of government to which it would be necessary he should resort in future. It described the opposition to the court in the house of commons as limited to "a few ill-affected persons," but, at the same time, it set forth the conduct of this unimportant faction as the main reason for dissolving the national council. Through the influence of these persons the house had been induced to cast away the modesty which had for ages distinguished it, and not only to meddle with questions of government and law in a manner before unknown, but to seize on the necessities of the sovereign for the purpose of enforcing submission to their pleasure "on conditions incompatible with monarchy." The government had endeavoured to serve the interests of the protestant religion in France, in Germany, and in other places, but all its efforts had been rendered fruitless by a small number of men who assumed a great appearance of zeal in the cause of religion merely for the purpose of acquiring an influence over many honest and religious minds which had become much alarmed on that subject. All men, however, were to remember, that in future the servants of the king were to be held responsible to himself alone; that such proceedings as had taken

place in the last parliament would never be submitted to again ; and that while every thing proper would be done to discountenance popery and schism in the church, and to preserve the just immunities of the subject, it was the expectation of the monarch that the obedience shown to the greatest of his predecessors should be rendered to his authority ; nor were the disaffected to suppose that there would be any want of means to enforce the claims of an office derived from God himself, to whom alone princes are bound to give account of their actions*.

The reproach cast on the patriot leaders by the monarch, as affecting much zeal for religion with a view to deceive the unwary, and to accomplish their particular ends, is one still brought against them by their enemies. But who can attach credit to it as directed against such men as Coke, Selden, Cotton, Eliot, Seymour, and Philips? We see also in this proclamation the common error of ascribing to the influence of a few individuals what could never have become formidable had it not been sustained by strong general feeling, and this misconception will be found at the root of the misguided policy of the monarch throughout the great conflict before him. The importance of individuals at such times is never so much the effect of their peculiar character or capacity, as of the tide of popular sentiment by which they are borne onward.

Charles resolved that the threats contained in his speech to the lords on the dissolution, and in his proclamation to the people, Members of should not seem to have been idle words. Two days after the Commons the adjournment of the commons, and five days before the imprisoned. dissolution had formally taken place, nine of its members who had been most active in its recent proceedings were called before the council. The charge against them was that of disobeying the message of the sovereign which required an immediate adjournment of the house. Hollis, Eliot, Hobart, and Hayman were committed close prisoners to the Tower. Selden, Valentine, Corington, Long, and Stroud, were consigned to other prisons, and the study of Selden, and those of Eliot and

* Parl. Hist. ii. 492—504. The only part of the accusation contained in this address that could tend to the prejudice of the patriots with impartial and reflecting men was that which relates to the inquiries prosecuted by them with a view to convict and punish the persons who had presumed to collect the customs without consent of Parliament—or rather in contempt of its prohibition. But it will be perceived that this was now the great point on which the question of good government hinged ; the conduct of Charles, in persisting to take the responsibility of his functionaries upon himself, being destructive of the constitutional maxim that “the king can do no wrong,” and of the due authority of the makers of the law over those who should administer it. Charles would not see the sacredness and value of the immunity which the constitution had thus placed around the throne. He contended for the strict independence of the executive on the legislative body, the effect of which was to put the uncertainties of his own will in the place of the security promised by the law, and to put his own life in the way of those penalties which the constitution had reserved for less important offenders. The king who will take the responsibilities of his ministers upon himself ought not to think it impossible that the punishment due to his ministers may some day fall upon himself.

Hollis, were sealed by the royal officers, that their private papers might be searched for matter of crimination against them. In the midst of these proceedings Charles had pledged himself by his proclamation to respect the provisions of the Petition of Right; and the prisoners, on the ground of that instrument, claimed their writ of habeas corpus, which empowered them to demand in the court of king's bench, that they should be discharged or admitted to bail. It was alleged that their conduct in refusing to adjourn the house at the command of the sovereign, notwithstanding the irregular manner in which that command was made known, was seditious, and a notable contempt of the king and his government. This was denied by the counsel for the accused, the house having often exercised the power of adjournment itself, without consulting the crown or its ministers, and it was prayed that the opinion of the court on the law of the case might be delivered. This request was found to be inconvenient, and to evade it the prisoners were removed into new custody. It was not unusual by means of this artifice to prolong the imprisonment of obnoxious persons, as each remove put off the decision of the case until the next term. This expedient, a device of tyranny to defraud the subject of the benefit of the law, served, in this instance, to give time for deliberation; and as the difficulties of the alleged ground of commitment were found to multiply the more it was examined, the judges were constrained to recommend that the prisoners should be discharged on finding security for their more proper conduct in future. But the sufferers were not men to profess a repentance which they did not feel, or to seem to reprobate as faults, the actions which they regarded as the most just and honourable in their lives. Prejudice may attribute their refusal to accept of enlargement on these "easy terms" to a vulgar thirst of popularity; but candour, without supposing them free from human infirmity, will regard their prevailing motives as of a more honourable nature. Selden was the adviser of this course, and no writer may cast such reflections on that great man without damage to his own reputation*.

It was natural that the court should describe the conduct of these persons as obstinacy; and, after an interval of some months, a criminal information was in consequence filed against Eliot, Hollis, and Valentine. They refused to plead, on the ground that proceedings in parliament were not within the cognizance of the court of king's bench. But the judges descended to talk of a distinction between parliamentary and extra-parliamentary conduct, and, on the pretence that the actions of the accused were of the latter description, proceeded to pass sentence upon them. That sentence was to suffer imprisonment during the king's

* It is Hume who speaks thus of the terms of release proffered to these persons, and in whose prejudiced eye their conduct appeared in no better light than as the effect of a poor personal vanity. *Hist. ubi supra*. See the proceedings in the *Parl. Hist.*, ii. 504—524. *Rushworth*, i. 662—691.

pleasure, and to be fined, Valentine in 500*l.*, Hollis in 1000*l.*, and Eliot “as the greatest offender and ringleader in parliament,” in 2000*l.*

The career of sir John Eliot, the importance of whose influence in the late parliaments was thus marked by the resentment of the court, was now approaching its close; but his efforts Death of sir
John Eliot. and his sufferings in the defence of English liberty claim something more than a passing notice from the historian. This “greatest offender” in the cause of public right during the three first parliaments of the present reign was a man of good family, and a native of Cornwall, where he possessed extensive property. His studies at Oxford, and at one of the inns of court, favoured that combination of improved taste and sound legal knowledge by which he was distinguished. Previous to his appearance in parliament he had visited the continent, and at that early period formed an acquaintance with George Villiers, afterwards the favourite of the English monarch, and duke of Buckingham. This acquaintance continued for some time after the commencement of Buckingham’s prosperous fortune, but never became the occasion on the side of Eliot of the slightest departure from those great principles to which his later years were so signally devoted. His private conduct during that period was not probably so irreproachable, his passions being, on his own admission, not unfrequently beyond his control. In a dispute, on one occasion, with a neighbour, Mr. Moyle, he drew his weapon and inflicted a dangerous wound on the person of his opponent. But writers, whose prejudices have given the darkest colouring to this act, are obliged to admit that it was provoked by taunting words, that it was an outbreak of youthful passion which was soon repented of, and that it was not only followed by the most humble acknowledgment of the fault, but by a permanent reconciliation and friendship between the parties*.

Before the accession of Charles, Eliot had distinguished himself in the popular cause, and no trace of intimacy between himself and Buckingham remained. Impatience of subserviency on the one side, and proud neglect on the other, appear to have been the causes of disagreement; and by the time the first parliament under Charles was assembled, Eliot had so far imbibed the general feeling against the minion of the court, that he became, as we have seen, one of the most active and formidable of the party who made his overthrow the

* See the early life of Eliot as described by an enemy in D’Israeli’s *Commentaries on the Reign of Charles I.*, and some important corrections of the mistakes into which the prejudices of that writer have led him, in the *Life of Eliot* by Mrs Forster, in the *Cabinet Cyclopædia*. The affectionate friendship which evidently subsisted between Eliot and Moyle, immediately after the painful incident mentioned in the text, is a sufficient proof that the act was not attended by those base circumstances which archdeacon Richard had coupled with it. Moyle’s daughter said of him, referring to that event, that his private deportment, ever after, was as free from fault as his public conduct.

great object of their policy*. At this time no man employed himself so effectually, either in exposing the general misconduct of the government, or in preventing or restricting the votes upon supplies. The part which he took in the third parliament has been related in the narrative of the proceedings in that assembly.

The sentence which his conduct there brought upon him he regarded, from the first, as one of perpetual imprisonment, unless the power of the crown should be soon checked by the power of another parliament, and of this there was then but little prospect. He made that provision, accordingly, for this his third lodgment in the Tower, which showed that he was far from expecting a speedy release. When he addressed himself to the service of his country by opposing the malpractices of the powerful, he saw very clearly the evils to which his generous efforts would expose him; and the whole of his property had in consequence been settled on his sons: so that when the royal officers would have exacted from him the heavy fine imposed by the judges, they were obliged to report that the means of payment did not exist. Eliot, on hearing that the sheriff of Cornwall and five other commissioners, all his capital enemies, were employed in an inquiry concerning his lands and goods, with a smile, said, "He had two coats, two suits, two pairs of boots, and galoshes; and that, if they could pick 2000*l.* out of that, much good might it do them."

In the "dark and smoky room" to which he was confined, he was allowed, at his earnest request, the use of books and of writing materials, and his many weary hours were employed in reading, in meditation, in committing his thoughts to writing, or in correspondence with his sons, his friends, and particularly the patriot John Hampden, to whose superintendence he had assigned the education of his children. His papers being liable to be searched, it was only with the greatest secrecy that his correspondence could be carried on; but, fortunately, some of the letters included in it have been preserved, and these present to us traits of character of the most interesting nature. They serve to place both Eliot and Hampden before us, not only in the light of pure moralists and honourably-minded statesmen, but as men whose spirits were wrought to the temper of a pure and elevated Christianity. No one acquainted with the letters can read the speeches of these great men in the cause of what they venerated as social justice or pure religion without the strongest confidence in their sincerity.

Many petitions were presented to the king praying for Eliot's release, one signed, it is said, by all the gentry of Cornwall; but Charles, in-

* Echard makes Eliot go to London about the Moyle affair to beg the interference of the duke for his pardon, and attributes the disagreement between these persons to the conduct of Buckingham on that occasion, forgetting that, at that time, George Villiers was as little known at the English court as John Eliot; yet Mr. D'Israeli could give credit to this pitiful invention.

dulging just now amid the pastimes of a court and the sweets of power, forgot the victim of the dungeon,—or rather, did worse than forget him. Time passed, and the mind of the sufferer was found to be proof against all the means employed to break it down. But the body was less equal to the conflict. Sickness invaded it, consumptive symptoms became manifest, and the prisoner's medical attendants reported that his recovery depended entirely on his being admitted to a more healthy air. They even petitioned the judges thus far in his favour; but they were told by chief justice Richardson, "that although sir John was brought low in body, yet was he as high and lofty in mind as ever, for he would neither submit to the king, nor to the justice of that court." As his malady advanced, Eliot was at length persuaded to petition the king, which he did in the following terms:—"Sir, your judges have committed me to prison here in your Tower of London, where, by reason of the quality of the air, I am fallen into a dangerous disease. I humbly beseech your majesty, you will command your judges to set me at liberty." The only answer obtained to this petition was, "It is not humble enough." Prevailed on by his children, Eliot prepared a second petition, which he sent by the hands of his eldest son; it was as follows:—"Sir, I am heartily sorry I have displeased your majesty, and having so said, do humbly beseech you once again to command your judges to set me at liberty, that when I have recovered my health I may return back to my prison, there to undergo such punishment as God hath allotted unto me." Thus did the dying man pray, and pray without answer, and without effect! The lieutenant of the Tower admonished him that his last petition had not been presented in proper form, as it pertained to him to be the medium of all communication between his prisoners and the government, and his advice to him was, to prepare a third appeal, which, if so framed as to acknowledge his fault, and crave pardon, would, he doubted not, obtain for him his liberty. The drooping man replied, "I thank you, sir, for your friendly advice, but my spirits are grown feeble and faint, which, when it shall please God to restore unto their former vigour, I will take it further into my consideration."

But Eliot's few remaining days were spent in converse with those beautiful visions of a future world which, as appears from his letters, were familiar to his now hallowed imagination; and in looking to the compassion of that better Sovereign whose tender mercies are over all his works. On the fifteenth of November, 1632, his attorney described him as so far spent, that it was not probable he would live a week:—in less than that space sir John Eliot breathed his last, being not more than forty years of age. His children petitioned the king for his body, that it might be taken to Cornwall, and interred in the family sepulchre; and Charles returned for answer,—“Let sir John Eliot's body be

buried in the church of that parish where he died!" Not two months before his death, Eliot wrote to Hampden, stating that he was then subject to new restraints, by warrant from the king, his own son with difficulty gaining admission to him; and that to add to his confinement, he had been removed to new lodgings, "where candle light was suffered, *but scarce fire*." This was written in the depth of winter! So plain is it that malevolence, like its opposite, may grow by what it feeds upon, and that even the grave may not suffice to set bounds to it*.

The reign of Charles I. divides itself into four parts;—the first extending from his accession to the dissolution of his third parliament; the second terminating with the invasion of the Scots; the third with the commencement of the civil war; and the last with the fall of the monarchy. The affairs which relate to the second of these periods, embracing the interval from 1629 to 1640, are almost confined to the expedients adopted by the government with a view to replenish the royal treasury without having recourse to the grants of a house of commons, and to various proceedings in the courts of star-chamber and high commission which were resorted to for the purpose of enforcing submission to the crown during this complete abeyance of the only safeguard to the constitution—a parliament.

It was expected that a vigorous policy of this nature would be found to subdue the prevalent disaffection. Charles, accordingly, issued a second proclamation, in which he declared that he should account it presumption in any one to mention a time for convening another parliament;—the calling of such an assembly being a matter solely dependent on his pleasure, and an event not to be expected until his subjects should learn to judge more favourably of his actions. In the mean time, indeed, the laws of the kingdom were to furnish the rule of his proceedings. But an administration, which had shown so little respect for the law while

* Forster's Life of Eliot, 102—123. This writer has published, for the first time, a large portion of Eliot's work on "The Monarchy of Man," written by him while in the Tower, and still in the British Museum. It will be found as a supplement to the Memoir, pp. 126—177.

We transcribe Hume's remark on this event without comment. "Because sir John Eliot happened to die while in custody, a great clamour was raised against the administration, and he was universally regarded as a martyr to the liberties of England!" Hist. *ubi supra*. Our historian is much scandalised by the attempts of some writers to compare the patriots of this period with those of classical antiquity,—as Cato, Brutus, and Cassius: and adverts to the manner in which the leisure of these parties was respectively employed, as showing the great disparity between them;—that of the one being given to the cultivation of polite letters, and civilised society; the "whole discourse" of the other being "polluted with mysterious jargon, and full of the lowest and most vulgar hypocrisy." For as strong a refutation of this calumny as the proofs of an improved understanding and enlightened piety could well furnish, the reader is referred to Eliot's "Monarchy of Man," and to the correspondence between that patriot and Hampden. Hume has mentioned Hampden as one of the persons intended in this description. Hist. vi. 388.

subject to the checks of a jealous and powerful house of commons, was not likely to be very observant of it in the absence of that authority; and the advocates of good government could see no means of escape from the evils with which they were threatened, except in open insurrection, or, perhaps, in an unequal contest between the patriotism of individuals and the terrors of that power which was thus usurped by the crown.

Charles, having determined to pursue these "new courses," hastened to conclude a peace with France and Spain. These occasions of embarrassment, which his impolicy had altogether, or, in a great degree, created, and which his temper constrained him to perpetuate, had yielded nothing but disgrace. Peace with
France and
Spain.
May, 1629. Treaties concluded in such circumstances could not be expected to embrace any effectual provision for the restoration of the Palatinate; or for the protection of the unhappy Hugonots against the resentment of a government whose pretensions they had been incited to resist. On such terms peace was of course concluded without difficulty. Both monarchs, indeed, appear to have regarded the hostility of the king of England, as the effect, in part of the influence of Buckingham, and in part of a capriciousness of disposition which a little experience would probably be sufficient to correct*.

The attempt made on the part of the government to strengthen itself by detaching some of the parliamentary leaders from the popular cause, was extended from Savile and Wentworth to The cabinet. sir Dudley Digges, and to the distinguished lawyers Noy and Littleton, and with similar success. Digges became master of the rolls. The office of attorney-general was conferred on Noy, and that of solicitor-general on Littleton. Sir John Coke and sir Dudley Carleton, old members of the administration, acted as secretaries of state. Lord Coventry retained the great seal; the privy seal was held by the earl of

* The prisoners taken at Cadiz and Rhé were returned without ransom. The king of Spain, indeed, pledged himself to restore to the Elector a great part, if not the whole of his dominions; but it was on condition that Charles should assist him in destroying the independence of the protestant States in the Netherlands, agreeably to a secret treaty to that effect, commenced during his stay at Madrid. Cottington, the minister of the English crown, signed this perfidious instrument, but Charles shrunk from the affair, aware probably of having already proceeded so far in it, that his character, perhaps his throne, depended on its being kept from the knowledge of his subjects. Clarendon Papers, i. 48—50. 109—111, 112, 113, 122, 126, 779—782. App. xxxi.—xxxv. Dumont. v. part ii. 580—583. Carleton's Letters, xxv.—xxxiii—lv. Rushworth, ii. 24—25. The obnoxious treaty with Spain was signed by Olivares and Cottington in January, 1631, and was the matter of correspondence and negotiation between the two governments almost seven years later. At the same time Charles favoured negotiations with the disaffected subjects of Philip, in the Spanish Netherlands, pledging himself, in case of their putting themselves under his protection, to defend them against all enemies, not excepting their present sovereign. Hardwicke Papers, ii. 54—80. As the foreign policy of Charles partook almost continually of this double dealing, and rarely escaped detection, it is hardly surprising that his subsequent troubles called forth so little sympathy from the rulers of the continent.

Manchester; and sir Richard Weston, afterwards the earl of Portland, was lord treasurer. Carleton had passed little time in England, and was better acquainted with the arts of diplomacy than with the spirit of freedom which distinguished his country; Coke was reproached as covetous, but his attention to business made his services valuable. Coventry and Manchester were lawyers who possessed both learning and experience; the former was remarkable for the moderation of his counsels, but endeavoured to confine his attention as much as possible to the immediate duties of his office: the latter, it was known, could be made to sacrifice his independence to his love of place and emolument—a circumstance which, in the working of the government, not unfrequently placed him at issue with Coventry. But the minister of the most “immoderate pretences and appetite of power” at this juncture, was the lord treasurer. Weston had served a long and cautious novitiate at court before ascending to his present elevation; but recently he had been so much elated by his success as to have abandoned his old policy of studying to please every one, and had followed so far in the steps of Buckingham, with a view to gratify the monarch, as to have succeeded to much of the resentment which had been directed against that favourite. He was a concealed catholic, but the revenue, it was said, had never been more enriched by exactions from the professors of that faith than in his time. His ambition, by disposing him to expense, made him constantly necessitous, and was so little controlled, that what he possessed was almost forgotten in his anxiety about what was still distant. With the aid of these persons, and particularly with that of Wentworth and Laud, Charles addressed himself, in the fourth year of his reign, to the dangerous enterprise of governing the people of England without a parliament*.

The recent grant of five subsidies, and the reduced expenditure consequent on the cessation of war, had lessened the king's necessities. But the property of the crown had suffered so great a diminution during the reign of James, that considerable supplies from the subject were needed to meet the ordinary expenses of the government. The duties at the ports, accordingly, were levied, though the long expected consent of parliament had not been given; the previous rate of duty on certain articles was increased; and others, which had been free, were now made subject to an impost. The officers of the customs were instructed to enter, in the king's name, into any dwelling house, warehouse, or vault, in search of the kind of property for which such contributions were demanded, and to distrain the goods of all persons who, being liable to such exactions, failed to pay them†. In support of these proceedings “obsolete laws

* See the character of most of these persons as drawn by Clarendon. Hist. i. 80—116.

† Rushworth, ii. 9. The officers were also “to apprehend all persons that

were revived," and where these failed, "supplemental acts of state" were foisted in to supply the deficiency. In this manner, it is added, the king hoped to show his subjects how "unthrifty" a thing it was to force upon him a strict inquiry with respect to what was really his own *.

Richard Chambers, a merchant of London, had refused in the course of the last year to pay tonnage and poundage until that branch of revenue should have been duly voted by parliament, and when before the star-chamber he was so far excited as to say, that the merchants of Turkey were not so unjustly dealt with as those of England. He was now sentenced to pay 2000*l.*, and to be imprisoned until he should make submission before the council, the star-chamber, and at the exchange. The harassing consequences of this suit attended him twelve years, and brought him to poverty †.

In some of these proceedings even the appearance of a regard for the law was dispensed with; and in others, where such ap- Compulsory
pearances were kept up, the spirit of the law was fla- knight-
grantly violated. This was the case in the measure 1630.
which obliged every man holding land to the amount of forty pounds a-year, and who had failed to present himself to the king at his coronation to receive the honour of knighthood, to pay a fine to the crown as an atonement for his negligence. This custom was introduced by Henry III., and it is admitted that the usual summons or proclamation relating to it had been issued by all the Tudor princes at the usual time, and that their example had been followed by Charles and his predecessor. But in recent times this feudal usage had become a mere form. In the present instance, if the demand could be justly made at all, the altered value of money should at least have limited the mulct to persons holding military tenures to the value of two hundred a-year. But the class that should contribute was determined by the government, and though the alleged delinquency had remained some years without notice, and could not have been remembered by a man in the kingdom as a matter for which there was the least probability of his being called to account, the fines were rigorously imposed, in some instances to a considerable amount, and in no case at a lower rate than that of two subsidies and a half. The disaffection to the king's government was already sufficiently strong among the citizens, and the trading portion

should give out any scandalous speeches against his majesty's service:"—what speeches were to be so regarded, being, of course, a matter on which the government would itself decide.

* Clarendon, Hist. i. 119.

† Rushworth, i. 655, 670—677; ii. 9. His principal defence, with respect to the obnoxious words, was, that they were uttered before the council only, and not abroad to the injury of the king's government; and that they referred to the conduct of the officers of the customs more than to any higher authority. He was required to acknowledge that they were "contemptuous, insolent, seditious, &c. &c." all of which he denied, and would deny to his death. Ibid.

of the people, and this measure served to diffuse that feeling more thoroughly among the gentry and small landholders*.

Another measure which served to extend the spirit of complaint more widely, and still higher, was the revival of certain laws framed in remote ages for the protection of the royal forests. Our earlier history abounds with remonstrances opposed to those oppressive statutes; and during an extended period, it had been well known that they were frequently violated or evaded, sometimes in favour of the poor, and often at the pleasure of the rich. But the commons had spared no pains in the vindication and enforcement of old statutes favourable to liberty, and Charles appears to have regarded it as just, in such circumstances, to avail himself of the past, with still greater freedom, in support of the prerogative. Most of these encroachments on the wastes of the crown had been the work of past generations; but the present occupants were informed that the king had resumed his almost-forgotten claims, and that the lands possessed by them could not be retained without the payment of a heavy fine to the crown. The ravages to which private property became liable by this expedient were truly alarming. The ancient limits of Rockingham forest were sixty miles, of which not more than six remained without occupants of this description; and all these persons were now obliged to compound for their lands. Sir Christopher Hatton was sentenced in a fine of twelve thousand pounds, lord Westmoreland in nineteen thousand, and lord Salisbury in twenty thousand. Nor was this enough. Charles revived an old law, called the statute of Ely, which exposed proprietors to discretionary fines for converting arable land into pasture. He could not have regarded these exactions as tending to increase the loyalty of the sufferers†.

Much had been done under Elizabeth, and still more under James, to lessen the evil of monopolies; but the pernicious custom was carried to an unprecedented extent during this period, particularly in the shape of charters to companies, on the pretence that the last statute relating to it contained a saving clause in favour of new inventions. The money paid by these companies to the king was of course laid upon the articles which they sold, and thus fell, in the issue, entirely on the consumer. Hence the effect of this scheme was a system of taxation regulated at the pleasure of the crown. It became necessary also that these companies should be vested with inquisitorial powers, rendering them still more unpopular, and hostile to liberty. The official papers relating to this interval not only show that almost

* Hume mentions the complaints on this subject as a striking proof of the evil disposition of the people with regard to the measures of the crown. But Clarendon does not hesitate to describe the proceeding as "very grievous." *Ubi supra*. Rushworth, ii. 70, 135, 214—219, 725; iii. 135, 136. Parl. Hist. ii. 948.

† Clarendon, Hist. i. 120. Strafford's Letters, i. 335, 463, 467; ii. 117. Rushworth, ii. 268, 300.

every article in daily use was made subject in this manner to an unlawful tax, but that the civil authorities, after the manner of the ecclesiastical, had managed to convert the sins of the people into a source of revenue, by admitting a multitude of delinquents to compound for their offences*.

It has appeared that James would have given his proclamations the authority of law, and that the commons not only opposed that dangerous pretension, but recorded their most solemn remonstrance against it, declaring such instruments to be wholly powerless, except as founded on the acknowledged meaning of existing laws†. Charles, however, issued these spurious enactments more frequently than his predecessor, interfering by such means with the commerce, agriculture, and manufactures of the country, and even regulating the price of provisions in the daily market. Abuse of Proclamations.

James and Elizabeth had often prohibited the increase of buildings around the metropolis; but as the legality of these prohibitions had been questioned, and they were more frequently issued than enforced, the capital was constantly extending its limits‡. The houses which had been built in the face of these royal interdicts were said to be so many as to yield the annual rent of a hundred thousand pounds. On a given day, the proprietors were assembled before certain commissioners, and those who refused to compound for the alleged contempt were either heavily amerced, or sentenced to pay a yearly rent to the crown. Nor did these vexatious interferences take place in the neighbourhood of the city only; they were felt within its walls. Some houses near St. Paul's were represented as an injury to the appearance of that building, and, by order of his majesty's council, and on terms which that council, an interested party, chose to dictate, they were removed. There were shops in Cheapside and Lombard-street that were considered a detriment in that avenue to the same edifice, and by another act of council they were ordered, with the exception of the goldsmiths, to be closed. The corporation of London was not forward to execute these arbitrary instructions, issued in manifest contempt of the old chartered rights of the English freeholder; but their hesitation was not to go unpunished. On this account, and some others, advantage was taken of their neglect with regard to some conditions on which they held a prosperous settlement in Ulster. The settlement was not only declared a forfeiture, but the parties who had made it what it was were sentenced to pay a

* On these matters, see the series of proclamations at the close of each year, in the second volume of Rushworth;—particularly pp. 12, 26, 49, 50, 91, 92, 111, 136, 143—145, 186, 187, 196, 197, 252, 253, 300, 317, 323, 333, 348, 452, 839. See the manner in which Laud meddled with such things in his Diary, July 12, 1635, and March 6, ad an. See also the eighteenth and nineteenth volumes of Rymer.

† See p. 172 of this volume.

‡ Ibid., pp. 187, 188.

fine of seventy thousand pounds to the king. The city submitted ; but these were things to be remembered*.

James had repeatedly admonished the nobility and gentry not to spend their time in the capital during the cessation of parliament ; and Charles, who lived in the same fear of political association and intrigue, approved his policy in this respect, and issued similar proclamations. In one instance, during this interval, we find no less than seven lords, sixty knights, a hundred esquires, and a long train of females, all cited to answer in the star-chamber for having preferred the town to the country, notwithstanding these royal prohibitions†.

These various measures, grievous as many of them were, inflicted their Ship-money. evils principally on individuals, or upon certain portions only
1634. of the great community ; and so long as the injuries done were partial, the opposition encountered would probably be of the same limited nature, and the vessel of the government might still be found making its way. Any proceeding, however, that should operate as a general grievance, would assuredly serve as a rallying point to the individuals and parties who had suffered from the more limited exercises of arbitrary power, and could hardly fail to impart unity and animation to their particular resentments. A proceeding of this nature occurred in the memorable question of ship-money.

At this time the dominion of the narrow seas had nearly passed from the English crown. The fisheries of the coast were visited with impunity by vessels from France and Holland ; many depredations were committed by cruisers from other states ; and Turkish pirates had not scrupled to carry off captives for the slave-market from the coast of Ireland. Charles was, moreover, engaged in a secret treaty with the king of Spain, by which he had bound himself to aid that monarch in lowering the pretensions of the United Provinces, the condition being an interference on the part of his catholic majesty, in favour of the elector Palatine‡. This treaty, however, could not be in any way acted upon without the aid of a considerable naval force ; and to obtain the requisite supply of shipping, the partizans of the court spoke much of the disgrace and danger to which the nation was exposed by the present decayed state of its navy.

It was at this moment that the apostate vigilance of Noy was to obtain its reward. It will be remembered that this person was among the number of those who, at the close of the last parliament, were seduced from their place with the patriots by the offers of the court. Noy had provoked the resentment of his old associates : he had to win the attachment of his new masters. His learning and ingenuity were

* Rushworth, xlix. 92, 93, 111, 411, 412. Clarendon, ii. 151, 152. Whitelocke, 36. Rymer, xviii. xix. ; and Strafford's Letters, *passim*.

† Rushworth.

‡ See the note, page 259.

accordingly employed in searching after precedents, and devising plans in support of maxims which he had been recently forward to oppose. Among the neglected records in the Tower, he discovered certain writs, which, on particular emergencies, had been issued to the different sea-ports, and sometimes to the maritime counties generally, requiring them to supply a given number of vessels for the defence of the kingdom. These precedents were hailed by the courtiers as promising to place the naval affairs of the country under the sole management of the sovereign, and as affording a powerful sanction to that method of taxation which it was their great concern to see substituted in the place of that which had grown up with the constitution. The writs were accordingly issued. Some opposition was shown ; but the measure so far succeeded, that it was resolved to extend the demand from the maritime counties to those of the interior. The yearly amount of money thus obtained was somewhat more than two hundred thousand pounds. It appears to have been faithfully applied, as a fleet of sixty sail soon began to assert the supremacy of the English flag in the narrow seas.

Noy was not permitted to witness the degree of success which attended his experiment. It does not indeed appear that he had contemplated its application beyond the sea-ports ; and even there he probably viewed it as relating simply to the providing of certain vessels, which should be employed during a certain time by the sovereign, and not in the light of a direct pecuniary tax, which should be deposited in the royal treasury, and expended solely under the royal sanction. Had his life been spared, it would have been his lot to see that even for this object, something was required beyond those occasional and obsolete precedents, which his labour had supplied. Many, from the first, resisted the claim ; and others, who submitted to it, denounced it as illegal. Charles, in consequence, deemed it important that his policy in this matter should be strengthened by a decision of the judges. Sir John Finch, the man who, as speaker, had refused to read the remonstrance of the commons in the last parliament, had been since raised to the place of lord chief justice ; and he now claimed the gratitude of his patrons, by prevailing upon the judges to declare, "that as where the benefit redounded to the ports and maritime parts, the charge was, according to the precedents of former times, lawfully laid upon them ; so by parity of reasoning, where the good and safety of the kingdom were generally concerned, the charge ought to be borne by the whole realm."

But this decision, valued as it was by the court, left two important questions, intimately connected with it, untouched. It determined nothing with respect to the circumstances that should be regarded as affecting the good and safety of the kingdom, or with respect to the authority on which the determination of such matters should devolve. Hence the same men were called upon to repeat their former judgment, and to declare, moreover, that the monarch should be regarded

as the sole judge with regard to the existence of national danger, and also as to the best time and means of providing against it. It was not expected, it seems, by the judges, that this opinion would be read, as it was by the lord keeper, in open court—but ought they not to have seen, that the *public* use to be made of their venality was, with Charles, its sole value? Croke and Hutton, indeed, had ventured to dissent from the slavish doctrine of their brethren, but allowed their names to appear with the rest, on the poor plea that the minority were included in the majority. The intention of Charles, and of his ministers, throughout this affair, is stated in one of Strafford's letters in the following explicit terms: "Since it is lawful for the king to impose a tax toward the equipment of the navy, it must be equally so for the levy of an army; and the same reason which authorises him to levy an army to resist, will authorise him to carry that army abroad, that he may prevent invasion. Moreover, what is law in England, is law also in Scotland and in Ireland. *The decision of the judges, therefore, will make the king absolute at home, and formidable abroad. Let him only abstain from war a few years, that he may habituate his subjects to a payment of this tax, and in the end he will find himself more powerful and respected than any of his predecessors* *."

But while the expected end of our free constitution—free at least in John Hampden's theory—was thus producing a deep feeling of exultation den. 1637. among these conspirators in high places, the cause of the people was about to receive important aid from the adventurous patriotism of an individual hitherto unknown beyond the walks of private life. The name of this individual, who, until this time, had lived the life of a country gentleman, remarkable only for the mildness of his disposition and the modesty of his deportment, was John Hampden. As the intimate friend of sir John Eliot, and the appointed guardian of his children, we must presume that Hampden had long been distinguished among those who knew him by his love of freedom. He was now required to pay the sum of twenty shillings, the amount of an assessment, under the name of ship-money, for the estate on which he resided in Buckinghamshire. It was the policy of the government, that this impost should be, for the present, of inconsiderable amount; but while Strafford and the court looked forward with delight to the permanence and the gradual increase of this power of exaction, until it should be found to have put the crown once and for ever in the place of the constitution, the enlightened advocates of freedom, scattered through the land, had their eyes no less intently fixed on that probable result, and mingled their sorrows with their fears. Hampden was of this latter class, and when his contribution was demanded, he ventured to express a doubt with regard to the propriety of thus submitting to an extra-judicial opinion of the judges,

* Strafford Papers, ii. 61, 62. Rushworth, ii. 352—358. Howell, State Trials, iii. 1904. Biblioth. Reg. 246—250.

and claimed, before making his payment, to have the legality of the demand fairly determined in the courts of law. This claim was so modestly urged, and was withal so manifestly reasonable, that compliance with it was hard to be avoided; and as this was the only secondary ground of objection that could be taken to the proceeding, it is probable that the government expected to gain additional strength by this means, the corrupt conduct of the judges with regard to this subject on a recent occasion rendering it highly probable that the decision would be in its favour.

During eleven days, this question was argued before the judges. No name was now so familiar to the people as that of Hampden, and the progress of the debate to which he had called their attention was watched with the most anxious solicitude by all parties. On the part of the crown, an appeal was made to the Anglo-Saxon tribute called Dane-gelt, and to other customs of the same remote date. But in reply, it was urged that our notices of such customs are much too imperfect and contradictory to admit of any plea being founded upon them. It was then shown, from the records of later times, that to obtain a requisite supply of shipping, the crown had often either pressed vessels into its service, or had compelled the ports, or the maritime counties, to provide them. But it was contended, that no precedent could be derived from such facts in favour of the present writs, which, instead of calling upon the sea-ports, or the counties forming the coast of the island, to provide shipping, called upon the whole kingdom to pay according to a certain assessment in money. It was further maintained on the side of the prerogative, that assuredly the king should be allowed to exact aids of this nature from his subjects in times of emergency, inasmuch as the time necessarily consumed in assembling a parliament, and obtaining assistance through that channel, might hazard the safety of the kingdom. To this favourite pretext it was sufficient to reply, that the present was manifestly no such crisis, since the writs themselves conceded that six months might be allowed to prepare the proposed navy—an interval affording ample room for the meeting and deliberations of a parliament. But the great argument of the popular advocates remained. There were statutes older than the race of our Stuart or Tudor princes, which declared that no Englishman should be taxed without his consent, and this leading maxim of the constitution had been confirmed in the plainest terms, and after the most solemn manner, in the Petition of Right.

The judges were perplexed, and employed themselves during three months in attempts to discover the means of escape from the difficulties which beset them. At the close of that period it appeared that seven were in favour of the crown, Croke and Hutton decided without qualification in favour of Hampden, towards whom the three remaining judges also inclined. The suspense which followed the discussion had not only augmented the interest of both parties, but had turned the scale much in favour of the popular cause, as it was natural to conclude that arguments so

difficult to be disposed of by such authorities must have been constructed on a solid foundation. The court indeed proclaimed the decision, tardy and divided as it was, as a triumph. But the people judged of the question by the speeches of those who had argued upon it; and from this time were very generally satisfied, not only that the imposition laid upon them had been introduced without any real sanction from the laws, but that its object was by degrees to supersede all law on such matters. The question was, should the country in future be governed by an absolute or a limited monarchy—should there be a constitution including its representative and legislative assemblies, the ancient safeguards of freedom and property—or should it be thrust aside and trodden down by a mere band of courtiers, responsible to none save the master appointing them, and observant of no law save that of his pleasure? Charles did not mean to become a Nero, but the principles of government to which he would thus have given the permanence of custom and the force of law, are precisely those which have never failed to prepare the way for such specimens of paternal sovereignty. Men who saw this course of things, and had protested against it, now protested more loudly, and many who had wavered were in doubt no longer. Laud saw the injury done to the king's policy by this memorable debate, and bitterly deplored it*.

But what was wanting to the justice of the king's policy was supplied by his power, which, by means of the star-chamber, spread its terrors in all quarters. Some examples of proceedings in that court must be introduced in this place. Alexander Leighton, a native of Scotland, and a divine of respectable learning, dedicated a treatise to the last parliament, intitled 'Sion's Plea against Prelacy.' An examination of the treatise will show that Leighton's offence consisted in his bold censures of episcopal tyranny, in his calling upon the parliament to abolish the hierarchy, and in a somewhat rude allusion to Henrietta, as "a daughter of Heth,"—or a catholic. He represented the bishops as the main cause of so much mal-administration in the church and the state. This work was published in Holland, and had been very cautiously circulated in this country, a copy of it not being obtained for less than twenty shillings. On the dissolution of the parliament the author made some effort to suppress the obnoxious production, aware that by that event he was left exposed to the unchecked resentment of the court. But he was brought into the star-chamber, where his sentence was to pay a fine of 1000*l.*, to be degraded from his office, to be publicly whipped,

Proceedings
in the star-
chamber.
Leighton.
1630.

* The honour of being the first to call for this kind of judgment upon the question of ship-money belongs to the puritan merchant Richard Chambers. But his claim was disregarded. Rushworth, ii. 323. This was in 1636. Ibid., 325—345, 352—364, 481—605, 725—730. Clarendon Papers, i. 49, 75, 83, 105—126; ii. App. xxvi. xxxii. Strafford's Letters, *passim*. State Trials, iii. 825—1316.

to stand in the pillory at Westminster, there to suffer the loss of one ear, to have one side of his nose slit, and his cheek branded with the letters S. S., meaning a sower of sedition. His sentence further required, that after a convenient time, by which was meant the time when his previous wounds should be in some measure healed, he should be again scourged, and again placed in the pillory, and after losing his remaining ear, and the remaining half of his nose being slit, his person should be committed to prison during life. Nor was the penalty in the least degree mitigated. But the fortitude of the sufferer marred the policy of his oppressors:—upon themselves it brought the execrations of the people, upon him the honours of martyrdom. The resolute bearing of this victim of intolerance appears to have been interpreted as a new crime, and, in consequence, when the scenes of public torture were ended, his imprisonment was made to be more miserable than his sentence required. No doubt Leighton had his portion of fanaticism, and he made no secret of his intolerance with regard to catholics, but these circumstances do little towards exonerating his persecutors*.

The prosecution of Leighton belongs to the year succeeding that in which the last parliament was dissolved, and in the year follow- Case of
ing, the case of Prynne served to manifest still further the cha- Prynne.
racter and purpose of the government. Prynne was a barrister of 1632.
Lincoln's-inn, a man of a gloomy temper, immoveably conscientious, of studious habits, and possessing vast stores of learning. He sent forth a ponderous volume, in which he endeavoured to show that the theatre, and all similar amusements, were of the most pernicious tendency. The court, the prelates, and the common people, all, in their turn, were arraigned as offenders, and described as contributing to bring in licentiousness, heathenism, and ruin. It happened that six weeks after this book was given to the world, the queen performed a part in a mask at court, and the enemies of the writer were ingenuous enough to apply to that illustrious person the language which his book contained with respect to the general immorality of actresses. The tendency of the work was adjudged to be dangerous and seditious, and the author was sentenced to pay a fine of five thousand pounds, to be excluded from the bar and from Lincoln's-inn, to be degraded at Oxford, to stand in the pillory at Westminster and Cheapside, to lose his ears, to see his book committed to the flames by the hangman, and to be imprisoned during life;—and this sentence was executed with relentless precision! Two years later, Prynne was again brought into the court of star-chamber in company with Bastwick and Burton—the former a physician, the latter a clergyman. While in his cell, Prynne had contrived to

* State Trials, iii. 385—387. Rushworth, ii. 55—58. This person was the father of the well known archbishop Leighton, whose works are so generally esteemed for their learning and piety. It is not true that he called upon the people to kill the bishops, as asserted by Heylin.

issue a tract, entitled "News from Ipswich," in which, with a violence equal to anything contained in his former publication, he charged the prelates with having devised and accomplished a multitude of innovations, all tending to suppress the doctrine of the gospel, and to favour the return of popery*.

Bastwick did not content himself with assailing the conduct of the prelates, but maintained that the institution of bishops was altogether a human invention. In the opinion of his judges, his object was not so much to discuss principles, as to libel persons, that being regarded as the best method of throwing discredit on the government, and of spreading disorder through the kingdom. It was accordingly required that he should pay a fine of one thousand pounds, be suspended from his profession, be imprisoned two years, and make a recantation of his errors. The period of his confinement had nearly expired, when he contrived to send forth a second pamphlet; but judging from its contents, his sufferings had by this time affected his brain, so extravagant is the language with which he assails everything prelatical †.

Burton had been chaplain to Charles while prince of Wales, but had been suspended from his functions by the court of high commission, on account of a discourse which he published containing some of the complaints usually preferred by the puritans against the ruling clergy. He also published a vindication of that discourse, which was deemed more obnoxious than the discourse itself, and exposed him to additional penalties ‡.

The information against these persons was prepared under the influence of Laud. Each came anxious to enter upon his defence; but as they had not been able to prevail on any two counsellors to appear in their behalf, there was a rule of the court which prevented their being heard. Their defence, had they been allowed to proceed with it, would have been far from availing them anything, as they had resolved on braving the utmost resentment of their enemies, by repeating, in the most resolute terms, the whole of the charges which they had publicly brought against them. Had they determined to pursue a more humble course, such was the terror which attended the proceedings of this court, that it is probable they would still have been obliged to appear without counsel, and would not only have fallen before it, but have fallen without a hearing. They were adjudged to pay fines much beyond their means of payment, to stand two hours in the pillory, to have their ears cut off, and to be imprisoned during life. While in the pillory, they made an animated appeal to the populace, who applauded their constancy, sympathized with their sufferings, and as the knife of the executioner was applied successively to their ears, expressed their

* Rushworth, ii. 226—240, 247—249.

† State Trials, iii. 562, *et seq.* 711—770.

‡ Ibid.

sense of the barbarity and injustice of the deed by loud groans and hisses. The sufferers were afterwards conducted to separate prisons in the islands of Scilly, Guernsey, and Jersey;—the roads along which they passed being crowded with people, thousands vieing with each other to do them honour as martyrs in the cause of liberty and religion*.

These expressions of popular sentiment should have taught the archbishop that the war which he had commenced had not so much to do with the extravagant mood of particular persons, as with principles and passions pervading a large mass of the community; and that unless the temper of this large class of minds could be changed, or the country be freed from them, the policy which he had adopted was not that from which tranquillity was to be expected. He did not, it seems, witness these things without alarm; but the only effect of his fear appears to have been a disposition to greater severity. The multitude who, in the rebellion of their hearts, had dared to manifest their sympathy with the culprits, could not well be brought under the lash of a state prosecution; but certain inhabitants of Chester, who had shown some hospitable attention to Prynne when passing through that city, were found to be within his reach. These were severally fined, from two hundred and fifty pounds to five hundred pounds each, and made to acknowledge their fault in the cathedral of York, and before the corporation and citizens of the town where their offence had been committed †.

Different sentiments of the people and the government in regard to these prosecutions.

The effect of such proceedings was to extend that disaffection to the protestant hierarchy, which, from similar causes, had been directed against its predecessor. Religion was exhibited as divorced from justice and humanity, and as looking to wrong and cruelty for its principal means of defence. It must be remembered that the persons on whom the indignities above described were inflicted belonged to the several professions of law, medicine, and divinity. It had always been known that no rank could place an offender beyond the reach of the star-chamber; but it remained for the zeal of its present functionaries to show that it could dare to inflict the most degrading penalties on persons belonging to the most respectable classes of society. Regulations of still greater severity were now made to bind the press; and Laud, writing to Wentworth, expresses his confidence that “a little more quickness in the government would cure this itch of libelling, and something more that is amiss.” He laments, however, that this increased vigour was hard to be infused into it. His correspondent is of the same judgment, and prays very devoutly that God of his grace may bestow the energy so much needed!

* State Trials, iii. 711. *et seq.*

† When the star-chamber pronounced its sentence on Prynne and his colleagues, Laud said much to show that it was “just and honourable,” and gave thanks to those who, by agreeing to it, had shown their unanimity in defence of the church, and their hatred of its enemies. *Ibid.*, 748.

The case of bishop Williams may be selected from many resembling it, as showing the facilities of the court of star-chamber in creating offences, and crushing an adversary. Williams had been an early friend of Laud, who with some difficulty had procured his appointment to the see of St. David's. But, as a courtier, the protégé proved more fortunate than his patron, and those who were friends became enemies. During his exclusion from the council, Williams gave his time mostly to his studies, but his wounded feeling was sometimes strongly expressed. He one day remarked that the puritans were not to be managed by severity, adding that he had ventured to state so much to the king, and that it was favourably received. On the ground of this expression he was accused in the star-chamber of having divulged the secrets of state, contrary to his oath as a privy

councillor, and of having given birth to rumours injurious to his majesty's government. In the course of the prosecution, which was long protracted, this ground of accusation was abandoned; but, on a new charge, of tampering with the king's witnesses, the bishop was adjudged to be suspended from his office.

1637. There are few malicious men who would not have been satisfied with having thus far humbled an opponent. It happened, however, that the royal officers, in taking possession of Williams's effects, discovered a letter, received from one Osbaldistone, a schoolmaster, in which an allusion was thought to have been made to Laud, under the name of the "little urchin," and the "little great man," and upon this surmise a third prosecution was commenced, and the bishop was sentenced to pay a fine of 5000*l.* to the king, and 3000*l.* to the archbishop.

The whole crime of the delinquent in this last case consisted in receiving a letter containing a disrespectful allusion to a member of his majesty's council without disclosing it! Laud was not altogether insensible to the odium which his conduct in this affair would probably bring upon him, but his thirst of revenge outweighed his fear of reproach*.

These examples will suffice to show the spirit of intimidation with which the general affairs of this kingdom were managed during the twelve years in which its only real law was the pleasure of the king and his council. Ship-money continued to be levied, together with a similar tax for the army, under the name of coat and conduct money. Merchandise became subject to new imposts, and matters of chartered monopoly almost without end. To resist, was to be overpowered by the despotism of the star-chamber. Hence few had courage to do so, though sufficiently aware that the general measures of the government were a manifest violation of those noble immunities which a provident ancestry had bequeathed to the nation. The revenue during this period, from all sources, amounted to about a million a year. The fines imposed in

* Rushworth, ii. 379, 303—817. State Trials, iii. 770—824.

the star-chamber were sometimes obtained by individuals, but generally passed into the exchequer, and by their frequency and their weight warranted the suspicion that the object of the court in attaching so many causes to that tribunal, which, like the rod of Moses, seemed about to swallow up the rest, was to make it subservient to the necessities of the crown, as well as to accustom the people to the exercise of such irregular authority until it should acquire the strength of law.

CHAPTER IV.

Proceedings in the Court of High Commission—Bernard, Smart, and others—Emigration of the Puritans to New England—Checked by the Government—Intolerant conduct toward the foreign Protestants settled in England—Disputes with respect to Religious Ceremonies—Controversy respecting the place and designation of the Communion Table—Ceremonies at the consecration of St. Catharine's Church—Case of Sherfield—Hostility of the Court Clergy to the Common Law—Sabbatarian Controversy—Restraints on Preaching—Fears with regard to another Catholic ascendancy—Project of a Union between the Church of England and the Church of Rome—General state of the country from 1629 to 1640.

WE have already considered the origin and jurisdiction of the court of high commission*. It was to the church, during this period, what the star-chamber was to the state. The parties prosecuted before this tribunal were not only the puritan clergy, but such of the laity as were deemed offenders against the laws of morality, and these were selected from the rich as well as from the poor. In every part of the kingdom persons of some standing in society might be found who had been called to do penance, or pay heavy fines on account of some alleged offence against morals. Many of the fines imposed were appropriated to the repairing of St. Paul's cathedral, and the known zeal of the archbishop for that object was generally regarded as a principal cause of this unpopular interference with respect to matters of public decency. In the view of the puritans, the practice of the court by which they were so often deprived of their livings, or otherwise harassed and impoverished, was a formidable part of that machinery which had been adjusted for the purpose of destroying both the religion and the liberties of their country. The patriots had never ceased to protest against its encroachments; and while the pride of the wealthy was offended at the control which it exercised, the vicious could hardly fail to long for the fall of a power which operated so much as a check or a penalty on their favourite indulgences. In all these matters Laud was supposed to be the great mover, and all those classes soon learnt to extend their hatred of his policy to his person.

Prosecutions
in the court of
high commis-
sion.

Bernard, a lecturer in the metropolis, had ventured to pray before his

* See pp. 180, 181.

congregation that the queen's majesty might be converted from her state of superstition and idolatry. In the presence of the Bernard. commissioners he professed to regret this excess of devotion, and was dismissed. But Bernard was a Calvinist, and an enemy of those popish ceremonies, as they were called, which were so much patronized by the court clergy. His sermons gave proof of this, and still more of his enlightened views on the subject of civil government. "Treason," he remarked, "is not limited to the royal blood, as if he only could be a traitor who plotteth or attempteth the dishonour or the shedding thereof, but may be, and is too often, committed against the whole church and nation; which last is so much the worst of these two, by as much as the end is better than the means, and the whole of greater consequence than any one part." These expressions, and others to the like effect, exposed him to a second prosecution. He professed himself willing to apologize for anything unbecoming in the language of the sermon that had brought him into this further trouble, but could not pledge himself to a renunciation of what it contained. This, however, was the demand of the court, and he was sentenced to be suspended, excommunicated, and to be fined 1000*l.*, which was followed by costs and imprisonment, reducing him to the lowest poverty*.

Smart, a prebendary of Durham, presumed to censure the placing of images and pictures in churches, and some other innovations. He was committed to prison, and having remained there nine months without learning the cause of his commitment, he was conducted from York to Lambeth, and again from Lambeth to York, was then deprived, excommunicated, and fined 500*l.*, and indebted to the parliament, which met in 1641, for his release from a confinement which had lasted eleven years†.

Crowder, another puritan divine, was committed in the same illegal manner, and after an imprisonment of four months was deprived of his living, without the proof or even the charge of crime being exhibited against him. One preacher described the gospel as on tiptoe in its way to America; another said that night must be at hand, since the shadows of religion had become so much larger than their substance. But these sallies of ingenuity were dangerous things. Both were suspended until they should profess to repent of these expressions. It was by this court that a baptist minister, named Brewer, was sentenced to suffer imprisonment which extended to fourteen years; and that a clergyman of the name of Foxley was confined twenty months in a narrow chamber of the gate-house prison, denied the intercourse of friends, and the means of writing to them. His offence was not made known to him, even to the

* Rushworth, iii. 32, 140—142.

† Fuller, xi. 173. Nalson has given some passages from Smart's sermon, with a view to justify the sentence passed upon him; but they merely express the general sentiment of the puritans with regard to the new ceremonies. Collections, i. 518, 519; ii. 406.

close of that period, and he could only presume that it consisted in his having spoken well of the zeal of certain gentlemen who had employed their property and influence in placing puritan lecturers in some of the principal towns*.

We have noticed the thrifty zeal of the primate against the immoralities of the times. But, as the above facts may suggest, there was a sin less easily to be forgiven than drunkenness or debauchery. One of these imprisoned clergymen petitioned the earl of Dorset, who was not a great admirer of such proceedings, to use his influence with Laud for his enlargement, and was assured in reply, that had his offence been some matter of intoxication or impurity, his liberty might have been obtained, but that the sin of puritanism and nonconformity was unpardonable. This estimate of the laws of morality, as compared with the one virtue of ecclesiastical obedience, is a never-failing characteristic of the ecclesiastical zealot †.

In consequence of these and similar severities, many thousands of the most upright and industrious of the people emigrated to America, most of them taking sufficient property with them to become planters. Massachusetts Bay, Plymouth, Con-
Emigration
to the New
World.
 necticut and Newhaven were the settlements in which they sought an asylum. The historian of the puritans possessed the names of nearly eighty clergymen, who during this period accompanied various bands of exiles to the New World. Among these was Elliot, whose zeal procured him the honourable name of the apostle of the Indians, and whose perseverance supplied that people with the sacred scriptures in their own tongue.

These emigrations at length attracted the notice of the court, and Charles was induced to issue the following proclamation: Checked by
 “The king being informed that great numbers of his sub- the govern-
 jects are yearly transported into New England, with their ment.
 families and whole estates, *that they might be out of the reach of ecclesiastical authority*, his majesty therefore commands that his officers of the several ports should suffer none to pass, without licence from the commissioners of the plantations, *and a testimonial from their ministers of their conformity to the order and discipline of their church.*” And this vigilance was extended from the laity to the clergy. “Whereas it is observed, that such ministers as are not conformable to the discipline and ceremonies of the church, do frequently transport themselves to the plantations, where they take liberty to nourish their factious and schismatical humours, to the hinderance of the good conformity and unity of the church; we, therefore, expressly command you in his majesty’s name, to suffer no clergyman to transport himself without a testimonial from the archbishop of Canterbury, and the bishop of London ‡.” This

* Rushworth, ii. 301. Neal, ii. 197.

† Ibid.

‡ Rushworth, ii. 298, 410, 718, 721.

last proclamation was issued in 1638, and in that year so little prospect was there of a favourable turn in the affairs of the country, that among those who prepared to join the pilgrims of New England, and who actually embarked in the Thames for that purpose, were the lords Say and Brook, sir Arthur Haselrig, John Hampden, and Oliver Cromwell. Their departure was prevented by the interposition of Laud. It is probable that to these prohibitions England owes its present freedom;—its men of enterprise, of public spirit, and of sincere piety, being detained by these means to perform their part in the great struggle, which, though not then foreseen even by the most sagacious, was near at hand. But what shall we say of that intolerance, which not only bound its yoke without pity on the neck of its victims at home, but refused them the poor relief of a dangerous and distant exile because it could not press the same yoke upon them there? The revocation of the edict of Nantz was an act of forbearance, compared with such proceedings*.

In perfect consistency with such measures was the conduct of the same parties at this period toward the foreign protestants who had become resident in England. It had always been demanded, that the subjects of the English monarch resident in foreign countries, whether serving in armies, or engaged in merchandise, should conform themselves strictly to the worship and discipline of the English Church. But it was now required that the children of all foreigners resident in Eng-

* Hume cites a contemporary of the puritans as affirming of them, "that to the world they seem to be such as would not swear, whore, or get drunk, but they could lie, cozen, and deceive," and from the pages of this historian this representation has passed to the lips or the writings of multitudes. The person adverted to was one sir John Lamb, the greater part of whose life was spent in intriguing against the puritans, and in fact against every one whose fall might in the least conduce to his own elevation. Hacket, in his life of Williams, describes Mr. Hume's informant as a "creature of dark practices, the most hated of all that trod the earth in the county of Northampton, where he dwelt." He was originally a school-master, afterwards a proctor, and next dean of the arches, in which function he was charged with many crimes, "under the hands of all the justices and gentry," and in two several bills prepared against him during the parliaments of 1621 and 1624. It was bishop Williams who brought this honourable person "off from his troubles, dubbed him a doctor, and a knight, settled him in his former offices, and got him more." And no sooner did the favour of the court begin to depart from Williams, than Lamb was found to forsake his patron, and abet its policy. So worthy of credence was the witness on whom our historian, and many after him, have shown so much disposition to rely!

That the puritans deserved this sort of reproach has never been shown. Their attention to commerce, and much more their condition as a persecuted people for whom all kinds of snares were laid, may have given them habits of caution which would sometimes verge toward insincerity; and it is no doubt true that their resentment, under their real or imaginary wrongs, sometimes partook of a bitterness more nearly allied to fanaticism than to Christianity. But in these particulars we perhaps have the front of their offending in such respects. Persons who confide in such authorities as sir John Lamb, and who thus fall into what, after all, was, perhaps, the besetting sin of puritanism, viz.: too great a readiness to take up an evil report against an opponent, should remember, that in speaking of those people, they speak of more than half the kingdom. Rushworth, i. 421. Hacket's Life of Williams, i. 36, iii. pp. 36, 37. ii. pp. 98, 112, 113. Brodie, ii. 361.

land, if of the second generation since their settlement, should be withdrawn from the churches of their parents, and obliged to attend at the church of the parish in which they might happen to reside. The independence of the French and Dutch churches in this kingdom had been repeatedly confirmed since the days of Edward the Sixth, and more recently by James, and even by Charles himself. The strangers belonging to these communions, amounting to several thousand persons, protested loudly against the obtrusive tyranny to which the primate was concerned to subject them. But they were told that their submission in this respect was indispensable, and that the evil of their departure from the kingdom was less to be deplored than that of their being allowed to perpetuate within it a schismatical worship. The archbishop observes subsequently that their resistance had been in part subdued, and flattered himself that he was strengthening the cause of the church of England, while exposing her to the contempt or resentment of every protestant communion in Christendom. When her hour of trial came, her rulers became somewhat aware of their impolicy in this respect, but even then could hardly descend to acknowledge it *.

Had the archbishop limited his zeal, as the advocate of uniformity, to such matters as law and custom had in some sort established, the disaffection with regard to many of those things, on account of their Romish origin, was so prevalent and powerful, as to have afforded ample occasion for that exercise of authority which was manifestly so grateful to him. But with the ceremonies of acknowledged obligation, many novelties of his own were associated as of no less authority. These novelties were all of a kind to give more pomp, complexity—in short, a more Romish character to the established ritual. The primate saw in them something of the greatness of his present power, but they were also a principal cause of the fears and disaffection which were daily increasing among the people. It would almost seem to have been the opinion of this powerful churchman, that religious scruples are best subdued by multiplying the causes which produce them, and that the national abhorrence of popery was to be best eradicated by making the nearest possible approach to the domination of papal policy, and the pageantry of papal worship. In his view there was a sort of infallibility inseparable from the possessors of monarchical and priestly power, and resistance in any shape became nothing less than rebellion

* Rushworth, ii. 249—251, 272. Collier, ii. 752, 753, 763—765. Prynne's Cant. Doom. 369. Clarendon, Hist. iii. 664—367. It is Clarendon who informs us that Laud, when told that the English ambassador at Paris had declined going to the protestant church at Charenton, as had been the custom of his predecessors, remarked openly upon it—"he is the wiser." It came indeed to be well understood, that "the church of England," meaning by that expression the men who now ruled it, did not "look on the Hugonots as part of their communion." Ibid. Laud afterwards became a little more modest on this subject, but it was as the Scotch troubles approached. Baillie's Letters, i. 191—194.

and impiety :—and accordingly he never appears to have doubted either the justice or expediency of employing any amount of illegal force that might be necessary to secure obedience to those powers. Such, indeed, was his fanaticism on these points, that while inflicting the most barbarous penalties on the refractory, his diary presents him to us as supplicating the divine clemency upon the sufferers, and an increase of patience for himself. It may be admitted, that he was in some sort generally conscientious; but his love of power was his ruling passion, and his conscience was of that description, which a little ingenuity and special pleading could satisfy whenever the object to be pursued was one commending itself to his governing feeling*. His moral character, including in that his sense of truth and justice, is not to be saved, except at the cost of his understanding; and are we to be always censuring a great people for refusing to become passive in the hands of a man who was so manifestly incompetent to the government of himself?

It was a favourite project with the archbishop to have the communion table removed from the centre to the east end of the church, and to have it distinguished moreover by the name of the altar. Many books were written in support of this change, and others against it, and there were few parishes in the kingdom where it did not occasion litigation or dispute.

Disputes respecting the place of the communion table. 1633. Many of the clergy and churchwardens described the requisition as contrary to law and reason; but Charles determined the question in person in favour of the primate, and the disobedient found themselves exposed to the displeasure of the spiritual courts, which left them without appeal. To accomplish this change in some churches, it became necessary to take down the galleries, in others to remove ancient monuments; cases of the former description involved expenses which the parishioners were not always well able to bear, and the removal of monuments gave offence to many considerable families, and was much censured as an injury to the dead. The table was now placed two or three steps above the floor of the church, and enclosed with rails. Many persons refused to come up to the rails in receiving the sacrament, and of these several hundred were fined or excommunicated. The whole of this proceeding was an evident violation of the eighty-second canon,

* We find him, while bishop of St. David's, a petitioner to Buckingham for a place in the commission court. "The commission," he observes, "is a place of great experience for any man that is a governor in the church: and *I would be loath to be excluded from that which might give me experience, and so enable me to perform my duty.* I humbly desire, *even against my own ease and quiet,* that I may not be deprived of that experience which is necessary for my place." Cabala, 115. When obliged to attempt a justification of his conduct as a churchman, in being a party to the sentence pronounced on Leighton, he said, "*to take away the ear is not loss of hearing, and so no member lost: so for burning the face, or whipping, no loss of life or member:*"—and thus he persuaded himself that he had not violated the canon which provided that no clergyman should have to do with a sentence affecting life or member.

passed in the convocation of 1603;—a regulation on this subject which neither the primate nor the sovereign had authority to revoke or alter *.

With these innovations, Laud introduced the custom of bowing to the altar, not only in the time of service, but on entering or leaving the church; and all his majesty's chaplains, and even the common people, were enjoined to conform themselves to this practice. The same necessity was laid upon the dean and prebendaries of Canterbury, by a new regulation framed by the primate, and confirmed under the great seal. The people could not look with indifference on this novelty, as they were at a loss to discover its meaning, except as indicating some kind of belief in the real presence,—the practice being unquestionably borrowed from those who held that doctrine.

The ceremonies used by the archbishop at the consecration of St. Catharine's church afford a striking proof of the excess to which he carried his taste in such matters. About nine o'clock on Sunday morning the bishop came to the church, followed by a body of civilians, and some members of the high commission court. As he approached the western door, which was shut, and guarded by men with halberts, a signal was given, and a number of voices cried aloud, "Open, open, ye everlasting doors, that the King of Glory may come in!" The doors then flew open, and the bishop, with those in his train, entered. Looking round upon the place, lifting his eyes to heaven, and spreading his arms abroad, he fell upon his knees, and said, "This place is holy; the ground is holy; in the name of the Father, Son, and Holy Ghost, I pronounce it holy." Passing along the middle aisle toward the chancel, he took up some of the dust and threw it several times into the air, and approaching near the communion table, made five or six obeisances before it. He then led the procession round the church, repeating first the hundredth, and then the nineteenth psalms, as prescribed by the Roman pontifical. Several collects were next read, in one of which the Almighty was implored to accept the beautiful building raised for his worship, and the act of consecration was repeated, with prayers that all who should be buried within its walls might rest in their sepulchres in peace until Christ's coming to judgment. The bishop then took his seat under a cloth of state in the aisle of the chancel near the communion table, and from a written book pronounced curses, some twenty in number, upon all who should hereafter profane that holy place by musters of soldiers,

* Rushworth, ii. 207, 300, 316. Prynne's Cant. Doom. 100, 101. The following is the language of the canon of 1603, on this subject:—"We appoint that the table for the celebration of the Holy Communion shall be covered with a fair linen cloth at the time of administration, and shall then be placed in so good sort within the church or chancel, as thereby the minister may be more conveniently heard of the communicants in his prayer, and the communicants may more conveniently and in more numbers communicate."

carrying burthens through it, or holding within it profane law courts ; and at the close of each curse the prelate bowed his head, and repeated the words—" Let all the people say Amen ! " The curses were followed by blessings, pronounced on all persons who had contributed, or who should in any way contribute, to the use and ornament of the edifice. The sermon followed, and then the sacrament, the cousecration of which was in the following manner:—The bishop made slow advances from the pulpit toward the side of the altar, bowing to it five or six times in the way, and then renewed his prostrations seven times before the covered bread and wine. After reading several prayers, he went nearer to the bread, and slowly lifting the corner of the napkin, looked in upon it, and immediately, as though awe-struck, drew back a pace or two, and bowed again three times. In the next advance he uncovered the bread, but not without several acts of obeisance. He next approached the cup, before which all the acts of the same ceremonial were performed. The bread and the wine being thus duly consecrated, the bishop first received of them ; he then gave to those about him, and after some further prayers, the consecration was pronounced to be complete. It was for the sake of such follies that Laud was willing to embitter his own life, and to spread discord and unhappiness through more than one kingdom *.

It is not surprising that a mind so fond of pageantry in religious worship should have shown itself favourable to the use of images and pictures. The case of Sherfield, recorder of Sarum, manifested the ardour of the primate's devotion to those favourite instruments of superstition. In the windows of St. Edmund's church at Salisbury were seven pictures of the Almighty in the form of a little old man in a coat of red and blue. In one, this personage appeared adjusting the heavenly bodies by the aid of a pair of compasses ; in others, as variously employed on the works of creation ; and in the last as resting from his labours in an elbow chair. Many persons on entering and leaving the church were accustomed to bow to these representations with a religious reverence. Sherfield procured a vestry meeting, including six magistrates, and obtained permission to remove the pictures. The recorder, however, was summoned to answer for his conduct in the star-chamber. He defended himself on the ground that St. Edmund's church was a lay fee, and as such not subject in this matter to the jurisdiction of the bishop of the diocese ; that the obnoxious painting contained a false account of the creation, the work of the fifth day being put in the place of the fourth, and the sixth in the place of the fifth. He further maintained, that to make an image or picture of the Almighty was an act condemned by the wisest of the fathers and reformers, by the doctrines and homilies of the church of England, by several canons and injunc-

* Rushworth, ii. 76—79.

tions under Elizabeth, and by a multitude of ancient councils. He professed, moreover, a sincere attachment to the church of England, and denied having at any time encouraged opposition to episcopal authority, the present act being that of a vestry meeting, an authority by which much greater changes had been made in St. Edmund's church, without any questioning from its diocesan. Satisfactory as this defence should have been, his conduct was adjudged to be an insult wickedly cast on the episcopal order, and an evil precedent which should by no means go unpunished. He was, in consequence, deprived of his recordership, and sent to the Fleet until he should pay a fine of 500*l.*, and find security for his conduct in future*.

Sherfield, as a common lawyer, was one of a class of men on whom Laud had looked for some time as forming a principal barrier in the path of his ambition. The civil law was much more favourable to his views of government generally, and particularly to his views as a churchman, than the laws of his country: It was for this reason that he prevailed with Charles to appoint that half the masters in chancery should be civilians. This proceeding excited much jealousy and complaint. But the primate did not rest here. In 1637, the business of the ecclesiastical courts began to be conducted in the name of the bishops, in the place of that of the king, and without the usual patent under the great seal; and though much was said and written in censure of this innovation, Charles descended to justify what had been done. At the trial of Bastwick, not only Laud, but several other prelates who were present, declared in plain terms, that their jurisdiction as bishops was not from the king;—an assumption, says a lawyer of the time, that would hardly have passed without censure in the days of Henry the Second, or Edward the Third, and which in the time of Henry the Eighth would have been confuted by some of those “kingly arguments,” which that prince so well knew how to use†.

While the archbishop, by thus treading in the steps of his great predecessor Thomas à Becket, was making himself enemies among a body of men not easily crushed, various of his measures were of a nature to extend this feeling to the mass of the people. This was especially the case with respect to his interference about the observance of the sabbath, and on the subject of preaching. The authority of the “Book of Sports,” published by the late king, had by this time fallen very low, the name by which it was generally known being that of the “Dancing Book;” and two of the

* Rushworth, ii, 153—158. State Trials, iii. 519—562. Hume says that Sherfield broke the window “contrary to the bishop of Salisbury's express injunctions;” a statement which the authority he cites will be found to contradict.

† Whitelocke's Memorials, i. 22. Heylin's Life of Laud, 407. Rushworth, ii. 450, 451.

Hostility of
the ruling
clergy to the
common law.

Controversy
respecting the
observance of
the sabbath.

judges on the western circuit deemed it proper to comply with the request of several magistrates to suppress certain revels and church ales, which had led to great disorders, particularly on the Lord's Day. Laud had two reasons for being offended with this proceeding:—it would please the puritans; and it was an exercise of authority on the part of the judges which he was desirous of seeing appropriated exclusively to his own order. The judges appealed to several precedents in support of what they had done, one even so late as the year 1627. It was commanded, however, that at their next appearance on the circuit, they should revoke their mandate as publicly and formally as it had been issued; and it was further required, that every bishop should see that the book about Sabbath sports, provided by the pious care of king James, was duly published from the pulpits of all the churches subject to their jurisdiction. The controversy respecting the obligation of the Lord's day was thus added to the many already agitating the public mind; and the act of calling upon conscientious men to recommend an indulgence in sports on that day, which they regarded as a desecration of it, occasioned, as must have been foreseen, the expulsion of great numbers from their livings*.

An intelligent writer of those times has remarked, that "this attempt to put down puritanism by setting up irreligion, instead of producing the intended effect, may credibly be thought to have been one motive to a stricter observance of that day. Many men, who had before been loose and careless, began upon that occasion to enter into a more serious consideration of it, and were ashamed to be invited by the authority of churchmen, to that which themselves, at the best, could but have pardoned in themselves, as a matter of infirmity†." No measure did more than this to damage both the king and the government, and particularly the court clergy, in the public esteem.

Before the expulsion of the sabbatarian clergy—for such was the name given to those ministers who contended for the more **Restraints** strict observance of the Lord's day—great precaution had **laid upon** **Preaching.** been exercised to render their zeal with respect to their peculiar doctrine on that subject, and on all others, as little effective as possible. All discussion on the tenets of Calvinism was prohibited,—or rather a full licence was given to preachers and writers disposed to assail those tenets in the language of misrepresentation and abuse, while nothing was to be uttered from any quarter in their defence. What Ar-

* Rushworth, ii. 191—196, 459, 460—462. Cant. Doom. 150, *et alibi*.

† May's History of the Parliament of England, which began in 1640: ed. 1812. Warburton describes this work as one of "extraordinary temper, good sense, and spirit." The great earl of Chatham speaks of it as the book that should be read with Clarendon, and as being both more honest and more instructive than the "History of the Rebellion."

minian suffered during this period for his abuse of Calvinism, and who could hope to defend it with impunity after the treatment of Dr. Prideaux and bishop Davenant?

But it was not deemed sufficient thus far to control the office of preaching. Methods were adopted to abridge the exercise itself, as being too commonly employed by designing men to promote those "factious humours" among the people which were the great disease of the age. It was therefore required, that in every parish church the morning should suffice for preaching, catechising by simple question and answer being substituted in place of the sermon in the afternoon. It was also provided that a report should be annually made of the comparative attendance at the sermon and the catechising.

Beside the clergy who officiated in their respective cures, a class of preachers arose known by the name of lecturers; persons who, by declining cures, contrived to avoid conformity with many things in the established worship and discipline to which they felt conscientious scruples, contenting themselves with permission to preach in the pulpits of some of their bretheren. Certain ministers and wealthy laymen formed themselves into a kind of society, for the purpose of placing persons of this description in the principal towns. Several lay impropriations were purchased, and about 6000*l.* had been raised for this object, when Laud interposed, charging the parties with hostile intentions towards the church, and with preferring nonconformist ministers. It does not appear that the conduct of these persons was illegal, but the impropriations which they had purchased were declared to be a forfeiture to the king; and their zeal would have exposed them to a heavy fine, had it not been proved that they were already considerable losers by their project. As a means of lessening the number of these lecturers, it was now required that, before preaching, they should read the service in a surplice and hood; that they should preach in gowns, and not in cloaks, as was frequently done; that no lecturer should be admitted if objecting to occupy a living with cure of souls; and that every bishop should make arrangements to have the sermons of lecturers attentively marked.

It was also a practice in those times for each bishop to draw up a series of questions, which were so framed, and to be so administered, that the slightest irregularity within his diocese might be speedily brought under his notice. Wren, bishop of Norwich, a prelate whose tastes and zeal in religious matters made him very acceptable to Laud, issued his questions, and directed his especial vigilance against the puritan lecturers. He describes these persons as consisting of three classes—the first of such as were inducted into the cures of other men; the second of such as were called combination lecturers, being persons associated to preach in succession in certain towns on market-days; and the third of preachers who removed their lecture from one parish church to another at

a considerable distance, according to an understanding between them and their followers. The regulations of the prelates were framed to secure a strict return of the names of all these lecturers, and a minute report with respect to their conformity, and the matter of their public discourses. Nor were these efforts without apparent success. It was the boast of the bishop of Bath and Wells that the evil of lecturing, and of afternoon preaching, was unknown in his diocese: and so many, and so shrewdly devised, were the questions concerning the observance of the established ritual, which were to be answered from time to time in behalf of each church, that nonconformity in the slightest degree seemed to be certain of detection. Among the hundred and thirty-nine questions published by Wren were the following:—"Does your minister read the canons every year? Does he use conceived prayers before or after sermon? Do strangers from other parishes often come to your church? Hath your minister read the Book of Sports in the church? Are the graves dug east and west? Do your parishioners on going in and out of the church do reverence toward the chancel?" And many able ministers were silenced, suspended, or otherwise censured, on account of not being able to return satisfactory answers to questions of this nature*.

It is manifest from these facts that the preaching of the puritans was eminently popular, and that their opponents were quite aware of the advantage it would have given them had it been left without restraint. And it is hardly less evident that the prevalent fear of the possible return of a Roman catholic ascendancy in this country was by no means so unreasonable as many persons in later times have seemed to suppose. It was unquestionable, that since the elevation of Laud, conversions to the catholic faith had frequently taken place. It is true they were almost confined to persons of rank, and occurred most commonly among females. But they were sufficiently numerous to form a ground of precaution in an age when religious parties were so strictly marshalled, and so nearly balanced against each other, and when the conductors of the state possessed so little claim on public confidence in any respect, and least of all with regard to this subject. Laud may not have meant to attempt a union between the churches of England and Rome; but when he determined to conform the one to the other in so many of the particulars which produce the greatest impression on the multitude, the charge of meaning to assimilate them entirely ought not to have excited either displeasure or surprise. Nor was it merely the forms of worship that were seen to be deriving more and more of their complexion from Rome. Many of the most obnoxious of the catholic doc-

Prevalent
fears with re-
gard to an-
other Catholic
ascendancy.

* Rushworth, ii. 110, 140, 150—152, 186, 187. Cant. Doom. 97, 376, 379, 385. Fuller, xi. 136. Neal, ii. 178—249, *passim*.

trines were variously broached, either by the archbishop himself or by the clergy of his school. Their Arminianism was not the only matter that served to widen the distance between them and the more consistent protestants of this kingdom. Much was done that favoured a return to auricular confession, to the practice of penance, the celibacy of the clergy, the ceremonial of the mass, and the worship of visible objects,—as the elements of the eucharist, and altars and paintings. Laud openly avowed his preference of an unmarried clergy. We have witnessed his fondness for the pageantries of worship; and if his language on the eucharist has any meaning, it is hardly to be distinguished from that of the catholic.

Andrews, Montague and Cosins are among the divines who contributed most to accelerate this course of things. The change indeed had been gradually working from about the middle of the reign of Elizabeth. The reformers generally had shown their wisdom in allowing but small authority to the Christian fathers. But the Christianity commended by those treacherous guides possessed elements of superstition and of secular power which could not fail to make it agreeable to a race of men who filled the place of the reformers without having imbibed the exalted temper which distinguished them. It accordingly became more and more fashionable to do homage to the opinions of the fathers, until, in many instances, the maxims of fallible men belonging to ages commencing with that of Constantine were allowed to supersede those of the Christian apostles. It in consequence became the fashion with courtier clergymen to depreciate the Reformation, and to indulge in ungenerous reflections on the master-spirits who had wrought it. So much was this the case, that the man who spoke of it in honest gratitude, or who betrayed any friendly feeling toward the reformed churches of the continent, was sure to be regarded by Laud and his partizans as a puritan, and as an enemy to episcopacy and monarchy. But so strong did this current become, that the primate himself became alarmed at it, and much concerned to check a tendency of affairs which he had been the great agent in producing*.

It is well known also, that several of the privy council, and not a few of the nobility through the kingdom, were either secretly or openly of the catholic faith; and that the professors of that faith through the whole of this period were allowed to compound on moderate terms for their conduct as recusants. They were often thrown into prison, and often convicted, but with this show of severity, there was little of the reality; the suppression of the proscribed faith being much less an object of the government, than to preserve the appearance of a close attention to the conduct of its disciples, partly because such proceedings were necessary to keep the complaints of the puritans within tolerable

* Rushworth, ii. 324, 380, 410. Among these protestant revilers of the Reformation, an early and conspicuous place must be assigned to Bancroft.

bounds, and partly for the purpose of obtaining a moderate but regular amount of contribution to the revenue from this source*.

It has been remarked before, that Charles's disposition to lighten the burdens which pressed on the English catholic resulted from no principle of toleration. New tests and new severities were at the same time directed against the puritans, who were obliged to regard themselves as a sect daily more and more disgraced and wronged, while their adversaries, the catholics, became more bold in their language, and looked to the future with new confidence. No doubt the hopes of the one party, and the fears of the other, with regard to another catholic ascendancy, were extravagant. They attributed to a great part of the nation, what pertained only to a small portion of it, the views of this small minority having acquired an undue prominence from their connexion with the affairs of the continent, and their being entertained in some influential quarters at home. But the men who spoke of fear, did so sincerely, and, judging from many appearances, not without reason. They had seen the very men whom they regarded with this feeling of apprehension, powerful enough to put down the ancient constitution of the realm, and that for a series of years, and, what is more, powerful enough to prevent the utterance of a wish for its restoration! Might not the confederacy which had thus trampled on all the venerable securities of freedom demolish the less ancient and less formidable ramparts of the protestant faith? What, in fact, was the manifest judgment of some of the most far-sighted men in England on this point? Let the answer be given by Say, and Brook, and Haselrig, and Hampden, and Pym, and Cromwell, when repairing to the vessel which waited to convey them to the new world.

By the English catholics these favourable appearances were all duly set forth at Rome, and Panzani, an Italian emissary, was sent to this country to obtain more certain information, and to watch the course of affairs. The professed object of this secret enterprise was to effect such an accommodation with regard to the long disputed oath of allegiance, as might place the English catholic in a less suspicious light as a subject. The queen, and the catholic members of the cabinet, received this dangerous visiter with the utmost cordiality. Charles saw him privately. It was hardly possible that such a mission should be concealed from the knowledge of the court, or, in consequence, from the country; and the very indefiniteness of its object could only aggravate its impolicy, at such a moment, by supplying a wider field for conjecture. A project, embracing nothing less than a union of the two churches, was seriously broached. This scheme appears to have originated with Windebanke and Cottington, members of the council, and to have been greatly mag-

* In 1634, this department of the revenue fell much below its former level, and the attention of government was directed from it to the new project of ship-money. Rushworth, ii. 427.

nified and promoted by the officious zeal of bishop Montague. This prelate assured Panzani, that the two archbishops were prepared to acknowledge the spiritual supremacy of the pontiff, and that there were not more than three of their suffragans who would not be found willing to follow their example. In his own case, the doctrine of transubstantiation was the only serious difficulty, but a conference of moderate men would no doubt bring about a satisfactory accommodation on that point. The court of Rome must have seen that to have broken the strength of protestantism in England would have been to humble it throughout Europe, leaving it hardly an asylum beyond the United Provinces:—and those provinces, be it remembered, the seat of a similar vacillation, in consequence of the mistaken policy of Grotius, and dependent for their very existence on the rivalry of their catholic neighbours.

It must have been presumed by those who busied themselves in forwarding this scheme that the king would not be found opposed to it. But the name of the monarch, to his honour, is not directly involved in it. The pontiff addressed him in the language of paternal affection. Cardinal Barbarini consulted his taste in presents, particularly pictures, which were accepted with due courtesy. Officers who had been employed in detecting recusants were discharged; an agent was appointed to reside at Rome, as in behalf of the queen; and those who could not hope for a union of the churches, expected some important changes in the relation between them.

But as these negotiations proceeded, it became evident that the promises of Montague with regard to the pliancy of his brethren were much larger than he could realise, and even the most zealous advocates of his plans, not excepting himself, retained opinions which it did not comport with the dignity of an infallible church to tolerate. This notion of infallibility, though properly extending only to the *doctrine* which the church of Rome has sanctioned, has generally operated, and not unnaturally, with regard to matters of discipline and worship, and, in modern times, has rendered her incapable of accommodating herself to the changing circumstances of the world which she aspires to govern. She has managed her affairs, in most respects, with consummate address; but to bend to the storm has not been her manner, and many of her goodliest branches have been snapped asunder in consequence;—that inflexibility of purpose, which, on the whole, proved so favourable to her policy during the middle age, being much less adapted to the more general culture and less submissive temper of these later times. Thus when Panzani was succeeded by another envoy, presumed to be more equal to the management of the difficult negotiations in progress, the instructions of the papal court were, that the difference between the puritans and the orthodox, so important in England, should not seem to be understood at Rome, but that both should be viewed as aliens from the true church, and without the pale of salvation. This haughtiness

of demeanour, without the aid of other circumstances, would probably have been enough to destroy the hopes of the most sanguine Romanist.

Neither protestantism nor liberty had much to expect from the The Univer- universities during this period. Those bodies were not so sities. much distinguished by their learning as by their pedantry, their intolerance, and the zeal with which they enlisted themselves in the cause of arbitrary power. It is said indeed that catholicism never received so signal a discomfiture in England as in consequence of the learning directed against it at this time, particularly in the writings of Laud and Chillingworth. But it is certain that conversions to the catholic faith had never been so notorious as during this interval; nor since the death of the Scottish queen had the hope of its re-establishment been so confidently entertained. Chillingworth's book, admirable as it is in many respects, could never have been much read; and the style in which the controversy was managed by Laud and his disciples, by conceding so much to the enemy, was more adapted to confirm than to convert him.

It is usually said by the class of persons who are disposed to look on the conduct of the government at this time with the most General state of the country from 1629 to 1640. favourable eye, that admitting the imposts, the monopolies, and other expedients adopted, to have been in many cases illegal and even oppressive, the measures resorted to were prosecuted on the whole with so much moderation and regularity that the commerce and wealth of the kingdom continued to increase. According to Montesquieu, it is the practice of despotism to cut down the tree for the sake of the fruit, and it is obvious that Charles had not yet arrived at that point. But was he not in the way to it? Did he manifest a wise regard for our commerce when endeavouring to coerce the conscience of wealthy foreigners who had settled among us for purposes of trade; or when by the same means he forced so many thousands of the most industrious of his subjects into exile, taking with them nearly half a million of money? His general policy, which virtually denied to the merchant a right over his property, was in its natural tendency the most injurious to commerce that he could possibly have sanctioned, and nothing but time was wanting to bring forth its evil fruit.

May, the historian, has given an instructive account of the feelings and speeches of different parties in the kingdom, relative to this long suspension of parliaments, and the state of things attending it. "The serious and just men of England, who were no way interested in the emolument of these oppressions, could not but entertain sad presages of what mischief must needs follow so great an injustice; that things carried so far on in a wrong way, must needs either enslave themselves and their property for ever, or require a vindication so sharp and smarting, as that the nation would groan under it. Another sort of men, and

especially lords and gentlemen, by whom the pressures of the government were not much felt, who enjoyed their own plentiful fortunes, with little or insensible detriment, looking no farther than their present safety and property, and the yet undisturbed peace of the nation, whilst other kingdoms were embroiled in calamities, and Germany sadly wasted by a sharp war, did nothing but applaud the happiness of England, and called them ungrateful and factious spirits who complained of the breach of laws and liberties. The kingdom, they said, abounded with wealth, plenty, and all kind of elegancies, more than ever. That it was for the honour of a people that the monarch should live splendidly, and not be curbed at all in his prerogative, which would bring him into the greater esteem with other princes, and more enable him to prevail in treaties. That what they suffered by monopolies was insensible, and not grievous, if compared with other states. That the duke of Tuscany sat heavier upon his people in that very kind. That the French king had made himself an absolute lord, and quite depressed the power of parliaments, which had been there as great as in any kingdom, and yet that France flourished, and the gentry lived well. That the Austrian princes, especially in Spain, laid heavy burdens on their subjects. The courtiers would begin to dispute against parliaments in their ordinary discourse, and hoped the king should never need any more parliaments. Some of the gravest statesmen and privy councillors would ordinarily laugh at the ancient language of England, when the word—liberty of the subject, was named.”

Such speeches, if not reported to us by those who heard them, we might conjecture were not unfrequently made. England, in common with all other countries, has never been without such apologists for oppression; men who, so long as their own narrow sphere of indulgence is not materially disturbed, are found destitute of the capacity or the inclination to look beyond their little interests to those of the community, or from the affairs of the day to their probable effects on the future; and who are perhaps further conscious that much more is to be expected by themselves, or by those dependent upon them, from the favour of the court than from that of the people. Charles, by so far limiting the exercise of the power which he had assumed, and by proceeding toward his object, according to the politic advice of Wentworth, by little and little, secured to himself the benefit of all those speeches, and something more, from this party; and it was only by exposing themselves to every calumny which these speech-makers could devise, and to all the combination of which their luxurious selfishness was capable, that the men sent up to the parliament of 1641, succeeded in putting an end to the labours of those state-artists who had been employed in modelling the English government after the pattern supplied to them by France, and Tuscany, and Spain. That the people were so long quiet with such a prospect before them, is to be ascribed, not to the mildness, so much as

to the severity of the government. It possessed the courts of star-chamber and high commission, and its policy there was to intimidate the herd, by striking the leaders without mercy.

The eulogy on the conduct of Charles during this period, pronounced by Clarendon and Hume, to which our observations principally relate, is partial and disingenuous in every particular, and it is difficult to suppose that it could have appeared to its authors in any other light*. Commerce increased; there was an apparent tranquillity; and to the many there was no want either of employment or provisions: but are these the only things necessary to the rational prosperity, the permanent greatness of a people? Charles, it has been said, like another Pericles, could boast that "no Englishman had worn a mourning gown through his occasion;" and the writer of this remark is one who had been employed in preparing an answer for the king to a memorable remonstrance of the commons, in which the death of Eliot, "by the harshness of his imprisonment, which could admit of no relaxation, though, for his health's sake, he petitioned for it often, and his physician gave in testimony to the same purpose," appeared as one matter of accusation!† Charles, we repeat, may not have meant to become a Nero; but to justify those who opposed to his policy it is enough to know that, whatever his intentions may have been, he did every thing which in his circumstances was possible toward subjecting the country at no very distant day to the mercy of such rulers.

CHAPTER V.

Change of religious feeling in Scotland—Revocation of Tithes and Benefices—The King's visit to Scotland—A Parliament—Arbitrary and unjust conduct of the Monarch—Discontent excited among the Nobility, Clergy, and others—Case of Lord Balmerino—Ambitious and impolitic proceedings of the Scottish Bishops—Book of Canons—Liturgy—Disturbances in Edinburgh on the reading of the Liturgy—Protest against the King's Proclamation—Institution of the Tables—The Covenant—Concessions at length made by the King—without success—and from what causes—Preparations for War—Pacification of Berwick—Proceedings in the General Assembly in Scotland—Meeting and Prorogation of the Scottish Parliament—A Parliament called in England—its proceedings—it is dissolved—The King returns to arbitrary measures—Dispersion of the English by the Covenanters at Newburn—Council of Peers.

WE have mentioned the attempts made by the late king to subject the church of Scotland to the control of a modified episcopacy. Charles entered fully into this policy, and looked upon the unfinished plans of his predecessor as a kind of bequest, which it became him to render perfect. The progress made toward this object in the last reign had been in the face of

Change of religious feeling in Scotland.
1625.

* Clarendon, Hist. i. 131—137. Hume, Hist. ubi supra.

† Clarendon's Life, i. 85.

considerable opposition and complaint, and not without difficulty and danger. Still it was a fact that episcopacy had been introduced, and that it had supplanted, in many respects, the original constitution of the kirk : nor was it to be denied that Scotland continued to exhibit the appearance of tranquillity. But while James occupied himself with these changes in favour of episcopacy, the religious feeling of his country became more than ever identified with the forms of presbyterianism, the strength of the real sentiments of the people being precisely in an inverse proportion to the degree of ecclesiastical submission exacted from them. There was a time when they were accustomed to regard all protestants, notwithstanding a great diversity in matters of ecclesiastical usage, in the light of brethren ; but that time had now almost passed away, and as its wiser temper had given place to a zeal which knew not how to admit anything to be protestantism which was not presbyterianism, the churches of the two kingdoms became the haughty and bitter opponents of each other. This error with regard to the relative importance of the old kirk polity, had been connected from an earlier period in this country with episcopacy, and the arbitrary measures of the English government, partly in consequence of that delusion, forced it, by a very common process, upon the favourable attention of our northern neighbours. For when the Anglican church spoke of her bishops as such by divine right, and as essential to the existence of a Christian church, it was not unnatural that the Scottish church should begin to broach similar pretensions on the side of her presbyters. Nor was the distance great, in those times, between opposing pretension of this kind to pretension, and force to force : and when a persecuted church has become ascendant, it has almost invariably become a persecutor in its turn, its former oppressors being regarded as tyrants rather than as Christians. Lord Bacon saw the mischief likely to result from the controversy between the puritans and the prelates in England when they began to set up these exclusive notions ; but the evil which his sagacious foresight deplored among his countrymen, was to be manifested ere long on a much broader scale in Scotland. Thus the pride which taught our court-clergy to assume this sort of authority, dictated the intrigue and violence resorted to in support of it, and by provoking a reaction of the same temper, and an appeal to the same means of accomplishing its objects, prepared the way for the humiliation that was to follow. The effect of these extravagances is still seen in the relative position of the two churches.

Charles was so much engaged with his continental wars, and in disputes with his parliaments, during some years after his accession, as to be incapable of bestowing much attention on the affairs of Scotland. So early, however, as the first year of his reign, a vigorous effort was made toward reclaiming the impropriated tithes and benefices, which, as the property

Revocation
of Tithes and
Benefices.
1626-1628.

of the catholic priesthood, had passed, at the time of the Scottish reformation, into the hands of the king. This source of income had not only been regularly annexed to the crown, but was declared to be inalienable, so that any portion of it granted to a private person, even with the sanction of parliament, might be reclaimed, in the most summary manner, by the sovereign of a future day. But these ecclesiastical spoils had passed from time to time into the hands of so many among the nobility and the leading persons of the country, and in many cases had been so long retained, that the rumour of a general resumption of them, though upon some principle of commutation, could not have circulated without spreading alarm; nor was it probable that such a project should be brought to a conclusion without difficulty and opposition. It had been provided since the year 1617, that the party receiving the tithe should pay a certain stipend to the incumbent; but it was alleged that these payments were generally less regular, and less in amount, than justice required; much to the loss both of independence and comfort on the part of the clergy. This was the most plausible argument in favour of the proposed new adjustment. It was well known, however, or, at least, very strongly suspected, that the great object of the measure was to aggrandize the dignified clergy. The receivers of the tithes were, on various accounts, almost unanimous in refusing to make the surrender demanded of them, and were prepared to resist the claim by the most violent means. But the clergy and the landholders had equal cause of complaint against these *titulars*, as they were called, who were commonly reproached with being rigorous in the exaction of tithes from the one of these parties, and reluctant to grant a due apportionment of them to the other; and this union of the clergy and landholders in favour of some new arrangement, obliged the nobility and gentry to submit the matter to the arbitration of the crown. By the royal commission-
 1628. February. missioners appointed for this purpose it was determined that the possessors of church lands should retain them till redeemed by the crown, and that in the mean time the feudal superiority of them should be resigned to the king. The landholders acquired the right to purchase the tithes of their own estates, except when belonging to the clergy, and some other means of protection against the injustice of impropriators. The crown was to receive six per cent. out of all tithes, and measures were adopted to determine more accurately the value of tithes, and to augment the income of the clergy*.

But the advantage which resulted from this proceeding to the landholders, the clergy, and the crown, was less considerable than the resentment which it provoked from the nobility and gentry in almost every part

* Burnet's History of his Own Times, l. 8—24, and Memoirs of the Dukes of Hamilton. King's Large Declaration concerning the late Tumults in Scotland. Heylin's Life of Laud, 238. Laing's History of Scotland, l. 89—97. Collier's Eccles. Hist. ii. 756.

of the kingdom. It was not so much, however, what had been recently done, that raised and perpetuated this feeling with that class of persons, as the apprehension of what would probably follow in its train. They were not without fear that this precedent might be succeeded by a more costly revocation of such property, and they regarded the whole arrangement as devised, in the first place to restrict, and ultimately to destroy, the influence which they had long exercised over the two most powerful classes of the community—the possessors of land and the ministers of religion. Little, indeed, had been done by this measure toward augmenting the income of the episcopal clergy, but the church lands were looked upon as a reserve by which in due time that object would be accomplished. Such, in short, was the effect of this proceeding on the mind of those who deemed themselves injured by it, that when Charles provoked the open revolt of the people by his innovations in religion, he found that the nobility and gentry had also their causes of jealousy and disaffection, and that the opposition to his plans was in fact from the whole nation *. It should also be stated, that this feeling among the leading men of Scotland was much strengthened by attempts at this time made to set up a new court, after the model of our court of star-chamber, under the name of a commission to try grievances; and by certain new arrangements in the privy council, in the courts of justice, and among the officers of state, made for the purpose of introducing the prelates into all those departments.

But much as this powerful class of persons had been displeased by the king's proceedings in this matter, they vied with the nobility and gentry of England in their profuse hospitality to their sovereign when he honoured them some years later with his presence. The ceremony of the coronation was performed on that occasion amidst the usual expressions of loyalty, though the religious prepossessions of the people were much offended by the introduction of an altar, and various rites to which they were not accustomed. The zeal of Laud carried him so far that he rudely forced the archbishop of Glasgow from the side of the king, because that prelate had deemed it prudent to decline officiating in the splendid habits which had been provided for him, and Maxwell, one of the new bishops, was thrust into his place †.

The king's
visit to Scot-
land. 1633.
June.

* Spalding's Troubles in Scotland, 40—42. A.D. 1829."

† Clarendon's Hist. i. 140—142. Burnet's Hist. i. 25. Franklyn's Annals of James and Charles I., ubi supra. "Now it is marked that there was a four-nooked tassil in manner of an altar, standing within the kirk, having standing thereupon two books, called *blind books*, with two chandlers and two wax candles, which were on light, and a basin wherein there was nothing. At the back of the altar (covered with tapestry) there was a rich tapestry, wherein the crucifix was curiously wrought, and as the bishops who were in the service passed by this crucifix, they were seen to bow their knee, and beck, which, with their habit, was noted, and bred great fear for the inbringing of popery." Spalding's Troubles in Scotland, 15, 16.

Soon after the coronation a parliament was convened. The constitution of a Scottish parliament gave no such independence to that body as existed in the parliaments of England; and Charles, intent on the religious changes which he was anxious to introduce, resolved to exert both his authority and influence through the medium of the states, for the accomplishment of that object. Some years after the accession of James to the English throne, an act had been passed concerning the habits of churchmen, which declared that whatever should be ordained by his majesty in such matters should have the force of law. This imprudent concession, it was now contended, had been conferred on James as a personal privilege, under peculiar circumstances, and was never meant to apply to his successor.

When this law was read to the parliament, in the presence of the king, it was opposed, on the ground mentioned, and as determining an ecclesiastical matter, which ought not to be concluded without the concurrence of the church.

Arbitrary
and unjust
conduct of the
monarch.

Charles was deeply offended; he prohibited all further discussion; called upon all who were present at once to vote on the question; and taking a paper in his hand containing a list of their names, proceeded himself to mark the ayes and noes of the division. The majority proved to be opposed to his wishes; but the clerk, in announcing the division, had the hardihood to declare that the act had passed as presented. This was immediately denied by the earl of Rothes, the leader of the opposition, and Charles availed himself of this incident to accomplish by intimidation what he had failed to secure by more honourable means. He gave his sanction to the falsehood of the clerk, and, to prevent a scrutiny, he admonished the earl, that as to corrupt the records of parliament was a capital offence, the man who should prefer that charge without proving it would subject himself to capital punishment. The lords, for the present, were silent; but the perfidy and tyranny of this transaction filled the majority with increased resentment and alarm, and from this time the discontented nobles held frequent meetings for the purpose of deliberating on the best means of protecting the kingdom against the evils with which it was threatened*.

The discontent of the opposition nobles was much increased by the studied discountenance which they experienced from the court, and by the suspicious and hostile feeling with which they were regarded by the prelates. Nor could they look upon their church lands as at all secure, while it was known that the king was anxious to recover them, and while he was found capable of persisting in measures so injurious to

Discontent
excited among
the Scotch nobility,
clergy,
and others.

* Burnet's Hist. i. 25, 26. In the Large Declaration an attempt is made to free the king from the odium of this proceeding, but its only effect is to show what was the general belief on the subject. Collier's Eccles. Hist. ii. 755, 756. Laing, Hist. i. 101—103. Cooke's Hist. of the Church of Scotland, ii. 339—341. Clarendon, Hist. i. 142, 143.

the general liberties of the nation. They were also aware that sir Thomas Hope, one of the ablest lawyers of the period, had been appointed to the office of king's advocate, with a particular view to the prosecution of this object.

There were causes also at this juncture which disposed the presbyterian clergy to sympathize with this dissatisfied feeling on the part of these leading persons among the laity. On the arrival of the monarch, a petition was drawn up by certain ministers, entitled, "grievances and petitions, concerning the disordered state of the reformed church within the realm of Scotland." It complained of the encroachments of the prelates, and of various things in the conduct of the government for some years past manifestly intended to increase the power of that body; and, as a remedy, prayed that the court of high commission should be abolished, and that the assemblies of the church should be regularly convened, with authority to correct the errors and vices of the times. This paper they presented to the king, who read it, but returned no answer to the petitioners, and never condescended to bestow the slightest notice on the subject. Thus neglected, the clergy looked with greater jealousy on the interest manifested by the king in the cause of episcopacy and of the new ceremonies, and the foreboding impression thus made on their own mind was soon imparted to the multitudes of their devoted adherents. Charles himself was not insensible that the popularity which seemed to grace his entrance into Scotland had disappeared before his departure; and he could hardly be ignorant of the causes which had produced the change,—but to recede from an arbitrary purpose, except where the strongest necessity interposed, was no part of his policy.

The case of lord Balmerino, which engaged public attention in Scotland the year after the king's return to England, became a further occasion of discontent with all classes of persons. That nobleman was proved to have had in his possession a copy of a "petition and complaint," designed by certain lords to be presented to the king; an address characterized by its moderation and patriotism, and such as in Scotland had often been brought to the foot of the throne. This was his offence. The petition had not been made public, and probably would not have been heard of, until read to the king, except by the few persons whose signatures would have been attached to it, had not treachery placed it in the hands of archbishop Spottiswoode, and had not the fears of that prelate prompted him to forward it to the government. It was certain also that Balmerino was not its author, and the interlineations in the copy adduced, which were in his hand, were all of a nature to render the language of the document still more mild and respectful.

Case of
Lord Balme-
rino.
1634-1635.

But there were laws in Scotland, loosely expressed, and rarely enforced, though still unrepealed, which made it capital to utter false reports

tending to excite sedition, or to sow dissensions between the king and his people, and the same punishment was extended to those who should conceal and to those who should originate such reports. On the ground of these statutes Balmerino was committed to prison, and brought to trial.

He pleaded that the petition was not his own ; that its interlineations were admitted to be unobjectionable ; that the paper was a private document, submitted to a confidential lawyer for his opinion ; that there was no precedent for the trial of those who had merely failed to reveal a seditious performance, or to secure its author ; that a law, the severity of which had so long prevented its execution, should be considered as non-existing ; and that though it might be illegal to conceal a petition containing matters adjudged seditious, surely no penalty was to be incurred for the concealment of one containing nothing so adjudged, and which upon fair examination must be pronounced free from wilful inaccuracy, and from the least tendency to sedition.

But the court was constituted by a special commission, and the most corrupt means had been employed to procure a verdict favourable to the crown. Several of the king's ministers were on the jury, and the earl of Traquair, one of their number, undertook to bribe or intimidate the rest of the panel. But with all these arts it was only by Traquair's casting vote that Balmerino was condemned. So general, and so strongly tending to the greatest violence was the excitement raised by this iniquitous proceeding, that it was deemed prudent to suspend the execution of the sentence, and Balmerino was ultimately pardoned. But the proceeding taught the nobles, the clergy, and the people, to regard themselves as placed at the mercy of the prelates and the crown, and may be said to have destroyed the little reputation that remained to the king in his native country*.

In the mean time the prelates, particularly the younger portion of them, seemed to be confident of the continuance of their power. They were fourteen in number, nine of whom possessed seats in the privy council. The great seal was given to the archbishop of Glasgow ; several of his brethren became judges in the court of exchequer ; and Maxwell, bishop of Ross, was spoken of as lord treasurer. Nor was it enough in this manner to thrust the most powerful and intelligent of the laity from those places of secular distinction, which were the proper objects of their honourable ambition. It was proposed by these persons, in the plenitude of their security, to revive the mitred abbots, as an intermediate order between themselves and the parochial clergy ; and, having bestowed on them the tithes in the hands of lay proprietors, they would have raised them to a place in

* Burnet, Hist. i. 27—32. State Trials, iii. 591—712. Wodrow's Life of Spotswoode, iii. 136. Guthrie's Memoirs, 9—11. See also the Large Declaration, ubi supra.

parliament, in the room of those possessors of property belonging to the church who had their place there under the name of the lords of the erection. Nor was it easy, for some time, to perceive the best, or, in fact, any possible means, of curbing this ambition, so completely was the executive power at the bidding of these aspirants, and so active was their high commission court, and those branches of it which Charles had empowered them to set up in every diocese *.

It had been resolved when the king was in Scotland, that a collection of canons should be published without delay, for the regulation of the affairs of the church. It was not before 1636 that the Scotch prelates completed this performance. It was then submitted to Laud, and two other English bishops; after which, without the least communication with Scotland, the book was issued under the great seal, and the authorities in that kingdom were enjoined to see it strictly enforced. Had the canons themselves been such as to afford no ground of complaint, this manner of imposing them, setting at nought as it did every authority of the land, civil and ecclesiastical, would have been enough to insure their rejection. But the canons were by no means of the description supposed. Many of the things enjoined by them were frivolous, and, as such, unnecessarily obtrusive. By others, the whole machinery of ecclesiastical discipline and power was placed in the hands of the bishops. In some, a strong leaning was discovered toward certain popish practices, as celibacy, and priestly confession; in others a power was claimed for the king in ecclesiastical affairs at once fatal to every vestige of Christian liberty, and incompatible with the civil institutions of any free state †.

But what proved the occasion of still greater dissatisfaction was the announcement that the power from which these canons had proceeded would soon send forth a liturgy, which was to supersede extempore prayer, and to be duly read in every parish church of the kingdom. Every clergyman refusing so to do was to be deprived, and all persons who should indulge in any censure of the said liturgy were to be pronounced excommunicate. It thus happened that no minister could profess to receive this book of canons

The Book of
Canons.
1636.

The Liturgy.
1637.

* Clarendon, i. 154, 155, 184, 185. Burnet, Hist. i. 37. Memoirs of the Hamiltons, 28. Whitelocke, 22. Collier, Eccles. Hist. ii. 778. Rushworth, ii. 391. Hardwicke Papers, ii. 114. See an instance of the coarse violence to which some of these Scotch bishops could descend in the case of the bishop of Galloway, as reported by Spalding, p. 41, 42.

† See the matters most objected to by the Scots in this book in Heylin's Life of Laud, part ii. 34, 35. Even Heylin complains of the manner in which these canons were imposed, as an unprecedented stretch of the prerogative; and Clarendon speaks of it with some astonishment, but fixes the blame on the Scotch bishops, who should have informed the king more honestly of the state of religious feeling in Scotland—as though tyranny were a matter to be justified by the facility with which it may be practised. Hist. i. 185, 191. Collier, Eccles. Hist. ii. 762—764.

without pledging himself to the use of an unknown liturgy *. Whether this was the effect of a childish inadvertence, or of that narrow craft by which so much of the conduct of Laud was characterized, it justified the ministers still more decidedly in refusing the oath required of them. The language of the court also in defence of its conduct, which stated that the design of the book of canons was merely to present the spirit of the voluminous acts of assembly in a concise and lucid form, served only to demonstrate to a whole people the shameless disregard of truth and sincerity which the men who governed them were capable of manifesting, and to make it inevitable that they should listen with much suspicion to the language of concession when proceeding at a future day from the same quarter †.

The ministers of almost every parish uttered their loud complaints against this undisguised attempt to overthrow the ancient constitution of their church, and to these complaints their people everywhere responded in the most unequivocal manner. Nor did they neglect to make known their feelings to that large party in England, who, as the witnesses of similar exercises of power in this country, fully sympathized with them. But the liturgy nevertheless proceeded, and being carefully revised by Laud, and by Wren, bishop of Norwich, Charles, without the slightest regard to any authority in Scotland, and as the sole act of his prerogative, issued a proclamation which made it imperative that the liturgy should be used in every parish church of the kingdom ‡. Even among the Scottish bishops, the older men highly disapproved of many of the ceremonies which the liturgy enjoined; and by the people, as might be expected, the whole was denounced as popish, superstitious, and antichristian. During the interval between the proclamation relating to the liturgy, and the publication of the book, much was done by the senior prelates and the lay members of the privy council to defer the enforcement of a measure which had filled the country with so much agitation. But the zeal of Laud, assisted by the younger bishops, and the earl of Traquair, prevailed against all moderate counsels, and it was determined there should be no abandonment of the project, even in appearance, whatever opposition should be made to it. Even the aged archbishop Spottiswoode, moved by one of those private reasons which so often influence the conduct of public men, was at length brought to concur with this policy, and to be forward in its support §.

On learning that this was the course decided upon, the ministers became more active than ever in their attempts to set forth, privately and publicly, and in a manner adapted to every capacity, the enormities of the proceeding. The book itself was an English mass, the men who

* Clarendon, Hist. i. 186, 187.

† Larger Declaration, ubi supra. Heylin's Laud, ii. 33.

‡ Clarendon, Hist. i. 183, 184. Collier, Eccles. Hist. ii. 767—770.

§ Collier, Eccles. Hist. ii. 754, 755. Baillie's Letters and Journals, i. 4, 5. Laing, i. 118, 119.

had produced it were but too well known as enemies to the purity of their church, and to their Christian liberty, while the manner in which it had been imposed proclaimed them slaves in body and soul.

When the day arrived on which the liturgy was to be read for the first time, the people of Edinburgh went in great numbers to the church of St. Giles in that city. The service was attended by the chancellor, by some of the lords of the council, and several of the bishops; and the greatest quietness and decorum prevailed, until the dean, ascending the desk, opened the new liturgy, and began to read. Immediately, the multitude seemed deprived of all respect for the place in which they were assembled, the loudest clamour rose from all parts of the church, and the voice of the dean was no more to be heard. The bishop of Edinburgh made his appearance in the pulpit, and called upon the crowds about him to remember the sacredness of the place, and not to indulge in conduct which made them offenders against God and their sovereign. This address fell as oil upon the flame. Stones and missiles of every description were thrown at the dean, and a stool hurled with great violence at the bishop himself admonished him of his danger. Spottiswoode now required the magistrates to exercise their authority, and they succeeded, partly by entreaties, and partly by force, in removing some from the church, and restoring order among the rest.

Disturbances
at Edinburgh
on the reading
of the liturgy.
July 23, 1637.

The doors being closed, the dean resumed his functions as reader of the liturgy; but the multitude without, particularly the women, began the most violent knocking at the entrances, broke the windows, and "a pope, a pope; antichrist; pull him down; stone him," were the cries which rose from a multitude of voices without intermission. In the midst of this tumult the service was in some sort concluded; but as the bishops left the church, the fury of the people seemed to augment, and they followed, pouring upon them the bitterest reproaches. The bishop of Edinburgh, who was exceedingly unpopular, fled from his assailants to the protection of a staircase, and would no doubt have suffered personal injury, had not the servants of the earl of Wemyss come to his rescue.

Before the afternoon service, measures were taken to prevent a recurrence of such scenes, and the worship was then conducted without any material interruption. But the service was no sooner closed, than the tumult in the street broke out afresh; and on its being discovered that the bishop of Edinburgh was in the earl of Roxburg's carriage, the vehicle was attacked with so much violence that, in a few minutes, it would have been in pieces, and the obnoxious prelate might have fallen a sacrifice to the popular indignation, had not the armed attendants of the earl interposed, and rescued him a second time. Nor was it in St. Giles's church only that such scenes were exhibited. The feeling proved to be general, and manifested itself in the same manner in

all the churches of the city, every minister who attempted to read the liturgy being obliged to desist*.

It is admitted that the persons engaged in these tumults were from among the lowest of the people, and that the majority were women, or men so disguised. But it soon appeared that great numbers in the middle and higher classes of society sympathized fully with the object contemplated by the populace, though not prepared to join in such modes of seeking it; and when the civil power was found slow to engage in the work of prosecution, and ministers from the pulpit began to applaud what had been done as the commencement of a most glorious work, the prelates became somewhat more aware of their danger, and began to absent themselves from the capital †.

Charles, and the few persons he consulted on Scottish affairs, conferred together as soon as tidings of these things reached them, and their decision was that the use of the service-book should still be required. Nor was this decision in any degree affected by an earnest "supplication" from the Scottish clergy, drawn up by Henderson, one of their leaders, to be presented to the king. Another document, called "a common supplication," because presented in the name of the nobility, gentry, and representatives of boroughs, as well as others, was prepared, imploring, in still stronger terms, consideration and delay; and similar addresses were forwarded to the council of Scotland from all parts of the kingdom. Time passed, and no answer was returned to this second supplication. In this interval, the disposition to revolt so far increased, that the magistrates of Edinburgh, and the privy council, were obliged to look to the nobles and others who had placed themselves at the head of the popular cause for protection. But there was nothing in this mortifying position of affairs, nor in a third petition, more weighty than either of the former, from its having received the sanction of a greater number of the most considerable men in Scotland, to change the purpose of the infatuated monarch.

The conclusion that in all contests the prerogative must at last be the victor, was one from which Charles was not to be moved: and accordingly, after all pains had been taken to make him fully aware of the state of things in his native country, the only result was a proclamation, issued in his name at Stirling, which assured the people of his unalterable attachment to the protestant religion, offered pardon to all who were implicated in the late disorders, and promised that attention should be given to the petitions of his subjects, if presented in respectful language; but at the same time prohibited all tumultuous assemblies, and

* Rushworth, ii. 387—389. Clarendon, i. 193, 194. Baillie's Letters, i. 5. Guthrie's Mem. 22. Burnet's Hamiltons, 31. Larger Declaration. Collier, Hist. ii. 777, 778. Spalding's Troubles, 42, 43.

† Clarendon, i. 194—196.

attempted to justify the innovations with respect to religion which had been so much opposed.

This step hastened the crisis between the Scottish presbyterians and the sovereign. The royal proclamation was followed immediately, and on the spot, by a protest, read by the lords Lindsey and Hume, in which they asserted the ancient liberties of Scotland in behalf of themselves and those whom they represented, and claimed a free hearing against the late innovations in religion, and against the prelates who were the great patrons of them. Committees were formed, under the name of "tables," consisting of deputies from the different classes of the disaffected, for the purpose of watching the conduct of the government, and giving more regularity to the movements of the mass which these proceedings had thrown into so much agitation. The most powerful ministers of the crown soon sunk into insignificance before the influence of this new authority*.

Protest
against the
king's procla-
mation. In-
stitution of
the Tables.

The great act performed by these tables was their directing the attention of the several portions of the community for whom they acted, to the bond of union so memorable in history under the name of the "covenant." This proceeding was not strictly a novelty in Scotland, but the present covenant, beside binding the parties consenting to it in a vow to hold and defend what they regarded as the true religion, so imposed this obligation as to secure a resistance even of the royal authority for those objects, and pointed expressly to the episcopal government and ceremonies as among the impurities from which the church was to be cleansed. The archbishop of St. Andrew's witnessed the enthusiasm with which the nation entered into this solemn contract, and said with truth, "now all that we have been doing these thirty years past is at once thrown down." The few who declined the pledge thus required of them, rather assisted than injured the cause of the covenanters, by rendering their plans more definite and earnest than they would otherwise have become in the earlier stage of their operations†.

The Covenant.
1638.
March 1.

Charles could no longer conceal from himself that the time for making some concession had now arrived; but it was still his determination to grant no more than should seem to be necessary as a means of sowing division among his opponents. After some delay, the covenanters were informed that the marquis of Hamilton, a nobleman not unacceptable to them, and the kinsman of their sovereign, had been deputed to negotiate a settlement of these unhappy differences. But a mysterious silence was observed

Concessions at
length made
by the king.

* Collier, Eccles. Hist. ii. 779. Baillie's Letters, i. 1—44. Memoirs of the Hamiltons. Rushworth, ii. 392—408, 730—734. Guthrie's Memoirs, 21—20. Clarendon, i. 196, 197. Spalding's Troubles, 46, 47.

† Rushworth, ii. 734—744. Spalding's Troubles, 50, 56, 75—84.

with respect to the nature of the instructions which had been given to the marquis, and every precaution was in consequence adopted to prevent his doubtful errand from becoming the occasion of disunion.

On his arrival, Hamilton laid his instructions before the council. They were not such as to give encouragement to the hope that episcopacy would be abolished. They merely promised, in general terms, that the canons and the service-book should not be enforced by any illegal means, and that the proceedings of the court of high commission should be regulated so as not to be attended with the grievances which had been made matter of complaint. These things promised, it was added that the covenant must be forthwith abandoned. The marquis soon discovered that these conditions, so far from being likely to satisfy the covenanters, if published, would occasion immediate rebellion; and his advice to the monarch was to have recourse to the sword without delay. Charles wrote immediately to express his full approval of this advice, only requiring that some caution might be observed until he should find himself in circumstances to act upon it with effect.

But every day witnessed the growing strength of the discontented, increased the tone of decision with which their largest demands were urged, and strengthened their conviction that to employ force against any power on earth for the purpose of protecting the religion and freedom of their country, was consonant with the strictest justice, and highly acceptable to God. France, at the same time, was secretly active in fomenting these elements of discord, in the hope of leaving Charles but little time for meddling with the politics of the continent; and the more frequent correspondence of the leading covenanters with their friends in England served also to inspire them with greater confidence of success*.

Charles, after much painful deliberation upon the subject, could not resist the conviction that the means necessary to enforce obedience to his pleasure were not at his command, and he now consented that new overtures, containing larger and more definite concessions, should be made. The most important of these concessions
Sept. 1638. related to the convening of a parliament, and of a general assembly under certain specified conditions. But peace was not to be restored on those terms; and, at length, the high commission court, the canons, the liturgy, the restraints on the assembly, all were given up, and a confession against popery, which had been the national symbol in 1567, was to be substituted in the place of the covenant †.

On the mention of these concessions it may be natural to conclude that tranquillity was about to return to a distracted kingdom. But when a people have proceeded to such lengths, the causes of distrust are generally found to be many and inveterate. The peers, some thirty in

* Rushworth, ii. 744—763. Baillie's Letters, i. 44—70. Burnet's Hamiltons, 38—65.

† Rushworth, ii. 763—771. Spalding's Troubles, 57—61.

number, who had joined with the covenanters, were influenced probably much more by a solicitude to curb that power of the crown which, in the proceedings of the last parliament, and in the case of Balmerino, they had seen to be so alarming, and by a wish to retain their church lands, which seemed to be put in danger by so many things in the temper and conduct of the sovereign, than by any considerable participation in that religious zeal which influenced the body of the people; and so long as the prelates remained a recognized order in the kirk, though subject to the general assembly, the security of the objects which they sought by their present league appears to have been regarded as incomplete. Similar apprehensions, arising in a great degree from the same cause, had taken possession of the covenanters generally. But it may be safely believed that neither the nobles nor the people would have failed to come to an accommodation at this stage of the dispute, had not the delays of so many months, and the duplicity of Charles in so many particulars, forced upon them the strongest suspicion of his fidelity, and taught them to fear the possible return of a day when these reluctant grants would be recalled with usury.

Even at this moment, the symbol of 1567, instead of being made to bind the parties to a maintenance of religion as *then* professed, contained the expression, *as professed at present*, language which was denounced as a latent fraud, introduced that it might be employed at a future day in favour of all the existing innovations; and the zealous efforts made to obtain subscriptions to this “king’s covenant,” as it was called, only tended to strengthen these misgivings. To the same effect was the impression made by the conduct of the monarch towards the general assembly which he allowed to meet at Glasgow, where it was manifestly his design to produce disagreement between the laity and the clergy in that body, and on the pretence of such disagreements, or upon some other ground, to put an end to its sittings, as the course of its proceedings might require*. Excuses were accordingly devised for attempting an abrupt dissolution, but the members refused to separate, and, in the name of those who had deputed them, they proceeded to cancel whatever had been done by the crown, or in general assemblies coerced by its power, to the disturbance of the faith or of the ancient discipline and worship of the church of Scotland. In this manner every vestige of the hierarchy which James and Charles had taken so much pains to erect was

* The bishops declined being parties to an assembly including lay delegates, and their absence was regarded by the king and the court as a circumstance which might at any time be made to reduce the proceedings of the assembly to a nullity. Burnet, Mem. ubi supra. The principal difference between the league of the covenanters and the king’s covenant was, that the former abolished episcopacy while the latter retained it. Spalding, 98.

swept away; and these acts must have possessed great weight, as being those of an assembly composed of deputies from the laity as well as from the clergy of the whole kingdom*.

Charles might still have looked to the Scottish parliament as the medium through which it would be possible to correct some of the excesses, or to supply the deficiencies of the assembly; and by removing the bishops altogether, it would not perhaps have been difficult, even now, to have terminated these dissensions, so as to have retained for himself as large a share of power as would have been compatible, among such a people, with the just liberties of the subject and the real stability of the throne. But the king had already made considerable preparations for war, and the conduct of the assembly in proceeding to pass decrees of such moment after its dissolution had been formally pronounced in his name, was, upon the whole, highly gratifying, as it presented a further pretext for the course which it was his determination to pursue.

But in what manner to procure the means necessary for conducting such an enterprise with the prospect of success was still a source of much perplexity. The exchequer, when these troubles began, was exhausted; the thought of calling a parliament suggested new and perhaps greater dangers; and to impose any further burden upon the English people would probably be to spread the flames of civil commotion nearer home. Loans were obtained from some of the nobility; and contributions were made by the catholics through the influence of the queen, and by the clergy under the management of Laud. The whole amount, however, thus supplied did not much exceed a hundred thousand pounds, and had the sum been much greater, there was room to fear that any force raised in England must consist of men who would be more disposed to hail the Scots as brethren than to fight against them as enemies. It was under this apprehension that Charles opened a negotiation with the king of Spain, according to which he was to receive the aid of six thousand veterans from the army in Flanders. With these auxiliaries, and with such troops as could be trusted from England and Ireland, it was concluded that the covenanters might be subdued, and the king's power be fully restored. But it was soon ascertained that the Spaniards in the Netherlands were too much beset with difficulties of their own to be capable of affording the required assistance, and Charles having collected the trained hands from the counties, and summoned the peers to

* Rushworth, ii. 786—788, 842—882. Baillie's Letters, i. 81—151. Burnet's Hamiltons. Guthrie's Memoirs, ubi supra. Spalding's Troubles, 65—67. Acts of the Assembly, printed 1638. Collier, Eccles. Hist. ii. 782—786. Larger Declaration. Hardwicke Papers, ii. 94—125. It is only by a careful comparison of these various documents and accounts that a correct judgment of this troubled period can be formed.

meet him, each with a suitable retinue, at York, committed himself, with feelings of mortification and distrust, to the struggle before him*.

In the mean time the covenanters were not inactive. Before the monarch could approach their borders, they possessed themselves of every considerable fortress in Scotland; their army consisted of twenty thousand men, commanded principally by such of their countrymen as had become experienced soldiers in the late Swedish and German wars; and animated above all by a religious zeal which promised to render them invincible. Charles, on the contrary, could not be insensible that whatever apparent force he might bring to the contest, the greatest part of his followers would be destitute of that interest in the object of the war which could alone render success probable. Laud had made himself odious to many of the nobility, who could not be induced to look on these troubles in any other light than as the effect of his insolence and tyranny; and with regard to the puritans, embracing as they did a great part of the nation, they had suffered too much from the arbitrary conduct of the primate and the sovereign, and were influenced by sentiments too much in unison with those of the insurgents, to leave their hopes with respect to the issue of the conflict at all doubtful.

Charles, accordingly, was obliged to depend almost entirely upon such assistance as might be derived from persons immediately connected with the court, from the more obedient of the clergy, and from the English catholics. The last party had experienced his lenity, and must have known enough of the puritans in both kingdoms to be aware that, in their case, an adherence to the royal cause was dictated alike by gratitude and interest. When the two armies encamped within sight of each other, there was no great difference between their numerical

* Rushworth, ii. 518—838. Hardwicke Papers, ii. 128—130. Clarendon Papers, ii. 16—29, 50. Strafford Papers, *ubi supra*. Spalding's Troubles, 74. There is a letter in Dalrymple's Memorials which shows the state of feeling in England with regard to the proposed war, only a few months before it was entered upon. "There are preparations for twenty thousand men, of swords, guns, &c., forty pieces of ordnance, and forty carriages. The earl marshal of England is to go into the north, there to secure those parts, where Berwick, Newcastle, and Carlisle are to be fortified. But it is thought they will not get two hundred men for their twenty thousand arms in this cause. You will hardly believe how nigh the cause is to succeed among the (English) nobility, gentry, and commonality. I hear it the unanimous consent of many leading persons that they hope to find another America (or place of asylum) in Scotland, and all designs foreign (emigrations) receive a stoppage until they see wherein yours will determine. If liberty (of conscience) can be had with you, there will hardly be found receipt for those who will thrust themselves among you, even such as are men of eminent rank, and great estates." ii. 40—42. The Scots are reminded in conclusion, that their "friends the bishops" accuse them of making this quarrel of conscience a plea for casting off the yoke of government, and the writer states that many of their friends in England were concerned to discover how they could "force the king," without affording some apparent ground for this artful accusation. Some light is thrown upon the manner in which this important question was agitated in Scotland by Baillie's Letters, i. 89, 90.

strength. But every fourth man in Scotland was prepared to march as circumstances should require; and every hour made it more evident that among the followers of the monarch were many who deprecated the subjection of the Scots, as an event which must tend to perpetuate the abeyance of their own civil constitution, and the intolerance of their own churchmen*.

These circumstances served to deprive the king of that transient feeling of confidence with which he had been inspired, when surrounded by the splendour of his peers and their retainers at York; and a haughty proclamation, which

Pacification of
Berwick.

called upon the insurgents to lay down their arms, was succeeded by distant intimations of a willingness to negotiate. A conference ensued, which ended in the imperfect treaty known by the name of the pacification of Berwick. In this conference, the covenanters implored, on their knees, that the abolition of episcopacy might be among the articles conceded to them. But they implored in vain; nor would the monarch consent to acknowledge the late assembly at Glasgow. It was, however, in some sort agreed, that another assembly should be convened, to which the ecclesiastical affairs of Scotland should be referred;

June 15,
1639.

and also a parliament, which should confirm the acts of that assembly. By assenting to such conditions the covenanters claimed and deserved the praise of moderation; and though they could not have so done without considerable apprehension, they disbanded their army, surrendered the fortifications of Leith, and restored not less than thirty castles into the hands of the government†.

There was little reason to suspect that the acts of the new assembly would differ in any great degree from those of its predecessor, and Charles became much concerned that his concurrence with its measures should be in such terms, and with such reservations, as might allow of his return, on the first favourable moment, to the policy which he was now forced to abandon. That he descended to every available artifice for this purpose is unquestionable; but the decrees of the assembly, the same

Acts of the
new general
assembly.
Aug. 12.

* Spalding's Troubles, 74, 75, and the last note and authorities.

† Hardwicke Papers, ii. 130—141. Burnet's Hist. i. 140. Baillie, i. 179, 184, 185. Rushworth, iii. 938—946. The following "private warrant," was delivered by Charles to the marquis Hamilton, when deputing that nobleman to treat with the covenanters at Berwick:—"We do by these presents not only authorize you, but require you to use all means you can with such of the covenanters as come to Berwick, to learn what way they intend the estate of the bishops shall be supplied in parliament; what our power shall be in ecclesiastical affairs; and what further their intentions are. *For which end you shall be expected to speak that language, which, if you were called to an account for by us you might suffer for it.*" Hardwicke Papers, ii. 141, 142. This was in prospect of the meeting of the new general assembly, its date is July 17, 1639. But Charles afterwards lamented having to do with a "subtle people," who knew how to foil him at his own weapons. Ibid. 239.

Aug. 30.

**Meeting and
prorogation of
parliament.
Aug. 31.**

Aug. 31.

**Resolution to
call a parlia-
ment in Eng-
land.
Dec. 5.**

+ Rushworth, iii. 955, 956. Franklyn's Annals, 789, 790, Baillie, i. 128.

‡ Franklyn's Annals, 810, 811. Rushworth, iii. 956, 1018—1039. The letter may be seen in either of these authors.

was the only method of obtaining a supply at all equal to his wants; and it was not until thus deserted by every member of his council, nor until he had demanded, "If this parliament should prove as untoward as some have lately been, will you then assist me in such extraordinary ways as in that extremity shall be thought fit?" and an answer in the affirmative had been given, that Charles consented to restore those legislative powers of the kingdom which he had sworn to uphold. Even Laud and Wentworth saw that a parliament must be convened in England, if anything deserving the name of power was to be retained by the sovereign in Scotland, and by appearing forward to advise the calling of such an assembly they hoped to abate the resentment which they had reason to apprehend from that quarter*.

Nor was it easy at such a moment to say what would be the result of this measure. The king evidently expected that the new house of commons would be scarcely more manageable than those which had preceded it; and as his own maxims and temper had only become more confirmed by indulgence, this conclusion was by no means unreasonable. But he encouraged himself in reflecting that should it so prove, pretexts might be derived from that event in support of those "extraordinary ways" of government which had been so much resorted to, but which, without some new pretence, could be no longer prosecuted with safety. On the other hand, the degree of submission observable through the kingdom during so many years of illegal administration, had taught many to hope that the humours of the country, as they were called, had been in a great degree subdued, and that in consequence a more pliant disposition would be evinced by the new house of commons. But the fact that the king was about to meet the council of the nation purely from necessity made all reasoning of this nature uncertain; and it was highly probable that men who had been submissive when opposed in their private capacity to the whole power of the government, would gather strength, and seem more mindful of their wrongs, when brought into association, and shielded by their privileges as members of the national legislature.

Before the meeting of parliament, it was ascertained that the elections were generally in favour of persons who had been most active in the popular cause. Hence while the nation looked forward to that assembly, confiding in it to remove its grievances, and to repair the inroads made on the liberty of the subject, the king regarded it with that dissatisfaction which a combination of circumstances so unfavourable to the power he was anxious to retain, could not fail to produce. It was on the fifth of December that Charles concurred with the unanimous advice of his council to assemble a parliament; but it was not before the thirteenth of April that the two houses were convened. This delay,

* Clarendon Papers, ii. 81, 82. Hist. i. 216, 217. Sidney Papers, ii. 614—623. Dalrymple, ii. 42. Rushworth, iii. 975, 978, 1097—1099.

apparently so undesirable and unnecessary, resulted in part from the wish of Strafford to obtain a liberal grant from the parliament of Ireland, to which it might be serviceable to refer in the appeal about to be made to the people of England. It was supposed also, that as the urgency of the claim to be preferred by the government became the greater by being thus postponed, the necessity would appear the stronger for pressing on the commons an immediate attention to the business of a supply, leaving the matters of grievance to be taken up when that important preliminary should have been settled. When the parliament met, this course of proceeding was strongly recommended by the king and his ministers, every delay being represented as an exposure of the royal authority to new insult, and of the common weal to the greatest danger*.

But the commons determined, that before granting the money of the nation, their voice should be heard upon its grievances, and that some remedy should be obtained. They in parliament complained particularly of certain notorious infringements of parliamentary privilege; of the late inroads upon the rights of property in the shape of unauthorized exactions by the crown; and of the novelties of a religious nature which had become the occasion of so much remonstrance and persecution. In the discussions which ensued on these topics there was decision and there was energy, but, at the same time, so much cautious propriety of speech, that scarcely a word verging upon indecorum was uttered. One member denounced ship-money as an abomination, but even that very pardonable ebullition called forth the reproof of the house. Another spoke of the rising in Scotland as the war of episcopacy, and said that as such it should be left to the management of the bishops; but Clarendon informs us that the levity of these expressions was so much discountenanced as to prevent a recurrence of such language in any other instance.

The fervour of the patriots, however, was rather attempered by wisdom, than restrained by timidity, or by any want of zeal for the public good. Mr. Harbottle Grimstone, who seems to have spoken first, contended that the mal-practices which had become connected with all public transactions in England were so many and so formidable, as to constitute a far greater source of danger to the commonwealth than the disorders in Scotland, and he recommended that these practices should be examined and corrected before proceeding to any other business. "The case," he observes, "is this: the charter of our liberties, called Magna Charta, was granted unto us by king John, and was but a renovation and restitution of the laws of this kingdom. This charter was afterwards, in the succession of

Speech of
Grimstone.

* Clarendon. Hist. i. 232, 233. Papers, ii. 82. Strafford Papers, ii. 370, *et seq.* Parl. Hist. ii. 532, 533, 553, 554.

several ages, confirmed unto us above thirty several times; and in the third year of his majesty's reign that now is, we had more than a confirmation of it; for we had an act declaratory passed, and, to put it out of all question for the future, his majesty, by his gracious answer, invested it with the title of the Petition of Right. What expositions contrary to the law of right, have some men given of that act, undermining the liberty of the subject with newly invented subtle distinctions, assuming to themselves a power—I know not where they had it, certainly out of parliament—to supersede, to annihilate, and make void the laws of the kingdom? The commonwealth has been miserably torn, all property and liberty shaken, the church distracted, the gospel and the professors of it persecuted, and the whole nation overrun with swarms of projecting canker-worms and caterpillars, the worst of all the plagues of Egypt.” It was his proposal accordingly that means should be adopted to ascertain, without delay, in what respects the petition of right had been violated, and that every instrument of misgovernment should be detected and punished*.

But the speech of Pym, which occupied two hours, appears to have most fully expressed the sentiment of the house. No man of Pym. in that assembly possessed more experience in the business of parliament, and his reputation was unsullied. Parliament he described as the soul of the body politic, which could not be deprived of any of its functions without leading to general disorder. But this wrong had been done to the high court of parliament when the speaker in the last house of commons refused to put from the chair the remonstrance which that house had laid before him, and when the privilege of private persons not to be condemned unheard, and even of the dying to record his will and utter his last expiring groan, was denied to that august body. The same high species of wrong was again perpetrated, when the judges presumed to question the proceedings of their superiors in parliament; and when, in consequence of this assumption, the courts of law spoke of having a right to imprison certain members on account of their conduct in that house:—a proceeding which shortened the days of some, and placed an interminable confinement in the view of others.

The grievances enumerated as having broken in upon the rights of property, embraced all the illegal or questionable methods of raising money to which the government had resorted since 1629; and under the name of novelties in religion, and the charge of oppression in the enforcement of them, the speaker adverted to many of the proceedings of this nature, of which mention has been made in the last chapter†.

When some days had been given to the discussions which sprung up from a review of these topics, Charles became impatient, and admonished the house, by the lord keeper, that his wants were so pressing as not to

* Rushworth, ii. 1128—1131.

† Ibid. 1131—1136.

admit of the delays which would be necessary to the preparation of measures for the correction of such matters. But the course adopted by the patriots was not altered in consequence of this message; and the king next presented himself to the house of lords, and advised their lordships to refuse concurrence with the commons in their determination to obtain a redress of their alleged grievances before granting a supply, calling upon that house to employ its influence with the other branch of the legislature in support of his claim to an immediate grant of money. Many of the peers saw the imprudence of the course thus recommended to them; but, "after long and great debates," a majority adopted the advice of the sovereign, and the effect was a sharp dispute between the two houses. The commons were unanimous in regarding this obtrusion of the opinion of the lords on a question of supplies as a breach of privilege. The lords admitted that it did not pertain to them to suggest anything with respect to the amount, or to the manner of raising a supply, but that they judged themselves competent to intimate their opinion with regard to the expediency of a supply in general.

At this point of the discussion sir Harry Vane appeared, as the bearer of another message to the lower house, in which the king, with still greater urgency, demanded an immediate supply of his wants. There were men in that assembly who would not have voted the smallest sum until their principal grievances were redressed. The majority, however, might have been induced to adopt a middle course, granting such an amount as would have met the present exigency in part. But this pacific intention was frustrated by the bearer of a further message, which stated that nothing less than an immediate vote of twelve subsidies, being about 850,000*l.*, would be accepted. No man can doubt but that the parliament, by coming to such a vote, would have sealed its own dissolution, and thus have fastened those grievances on the country which it was the first duty of the representatives of the people to remove. The house sat two hours beyond its usual time in debate on the king's message, and adjourned to the following morning. But on that morning, Charles declared the parliament dissolved. This was in less than three weeks from the time of its meeting.

It is said that the monarch was driven into this precipitate course by false information, which made it appear to him that an abrupt dissolution of the commons was the only means of preventing them from voting against a war with the Scots. But the reasons of his conduct, which Charles published immediately afterwards, and many other circumstances, make this statement unworthy of credit. In the document containing these reasons the monarch assures his subjects that the dissolution of the late parliament was in consequence of the insolent interference of the commons with

Interference
of Charles and
the lords.

Parliament
dissolved.
May 5.

Object of
Charles and of
the Commons.

the affairs of his government; of their attempts to degrade his administration of justice, and to injure the character of his ministers; and of that ungenerous spirit of bargain and sale upon which they were resolved to act. It is in fact plain enough, that, in this brief session, we witness a spirited struggle between the crown and the people—Charles plotting to obtain a large supply, while evading any redress of the wrongs complained of by the nation; and the patriots resolved, on their side, to hazard everything rather than become the dupes of this treacherous policy*.

No part of the king's proceedings had given more general offence, than the practice of committing some of the popular mem-
The king re-
turns to arbi-
trary mea-
sures.
bers to prison, as soon as the protection of parliament was withdrawn from them by a dissolution; and this act was generally followed by an inquisitorial search into their private papers for matter of accusation against them. Both practices were now renewed†. Ship-money was levied with increased rigour; and all the plans of securing a revenue which had of late become prevalent, and even more than all, were vigilantly pursued: and Charles continued to hope that, victory attending him against the Scots, the government at home might still prove strong enough to maintain its independence of the public will. It should be observed also that this vain hope was indulged amid the riots of the capital which threatened the lives of his ministers; amid the sudden avowal of opinions unfavourable to the existence of monarchy; amid strong suspicions of a secret understanding between the disaffected in England and the insurgents of the north; and, in a word, amid expressions of discontent and alarm which came from all classes of his subjects. So tenacious was this misguided prince of his unauthorized power, and so hard was it for him to incur the slightest hazard of parting with it at the call of his people!‡

The plan now formed was, that Scotland should be invaded from three points at the same time, and by an army of forty thousand men; ten thousand from Ireland led by Strafford, ten thousand highlanders, under the marquis of Hamilton, and twenty thousand from England, under the command of the sovereign. But it required the laborious preparations of three months to place the half of this contemplated force at the disposal of the monarch; while the Scots returned to their colours with an enthusiasm which influenced both sexes and all ranks, and taught them to contribute those means willingly from their poverty, which England refused to grant from her opulence§.

* Rushworth, iii. 1136—1167.

† Ibid. 1167, 1168, 1177.

‡ Laud's Diary, ubi supra. Sidney Papers, ii. 655—658. Clarendon Papers, ii. 74—115, *passim*. Hardwicke Papers, ii. 147, *et seq.*

§ Laing's Hist. i. ubi supra.

Before Charles had completed such preparations as he still deemed practicable, the Scots, having remained three weeks on the borders, crossed the Tweed, and advanced as far as the Tine. In a proclamation, they declared that though they appeared in the character of invaders, their object was strictly defensive; that they came not against the English nation, but for the protection of their commerce, which had been interrupted at sea, and to put an end to the power of the popish and arminian prelates who had so long surrounded the throne, and proved the authors of so much evil to the church and the state*. At Newburn, their passage across the river was disputed by Lord Conway, at the command of Strafford. Batteries had been erected for this purpose on the opposite bank, and a detachment, to the number of six thousand horse and foot, seized upon the most favourable positions. Lesley, the Scotch general, first demanded permission to pass, and was answered by a shot from an English sentinel. The fire from the artillery of the covenanters immediately commenced, and fell with such effect on the batteries of the enemy that they were almost immediately abandoned. The first to cross the river were the general's guards, a troop consisting of lawyers, who had volunteered their services for his defence, and for the deliverance of their country. Close in their train followed a thousand musketeers, and both advanced to seize the batteries, and to press upon the rear of the infantry, which had already commenced a retreat. In this attempt they were encountered by the English cavalry, drawn up to receive them, and were driven back to the river. But approaching its banks the cavalry became exposed to a heavy discharge of artillery, and instead of pushing their advantage, or even protecting the retreat of the infantry, they fled to an eminence at some distance. In that position they were no sooner attacked by Lesley than they deserted Wilmot, their commander, and spread confusion through the reserve under Lord Conway, which, by this time, was the only body retaining any appearance of order. The rout that followed was such, that the covenanters were left in undisputed possession of the two northern counties, and the next rendezvous of the royalist army was with the king at York †.

In that city Charles assembled what was called a council of peers, and solicited the advice of that feudal assembly with regard to the petitions which the Scots, in their anxiety to preserve the appearance of moderation, had presented to him, and also as to the best means of protecting the kingdom against the further inroad of the invader. It was agreed that to prevent the advance of the enemy it would be absolutely necessary to enter

The Scots enter England—dispersion of the English at Newburn. Aug. 29.

Council of Peers at York.—Treaty of Ripon.

* Rushworth, iii. 1223—1227. App. 283—291.

† Dalrymple, ii. 81—106. Hardwicke Papers, ii. 151—163. Baillie, i. 211, *et seq.* Rushworth, iii. 1237.

upon a treaty, and the treaty of Ripon was accordingly commenced. It was also the advice of the great majority of the assembled peers, and the prayer of a petition from London bearing ten thousand signatures, that a parliament should be forthwith convened. By this method only it was argued could tranquillity be restored; the evils which had so long made the king's government unacceptable to the people be removed; and the ample resources of the nation be brought to the relief of the crown. To this course of proceeding Charles gave his reluctant assent. It was arranged also that during the treaty the subsistence of the Scottish army should be provided for from the treasury of England, and that the negotiations commenced at Ripon should be transferred to London*.

CHAPTER VI.

State of public opinion and feeling in England when the Long Parliament was convened—King's Speech—Choice of a Speaker—Speeches in the Commons—printed for the first time—Restoration of silenced ministers—Committee for proceeding against Scandalous Ministers—Prosecution of the bishops Pierce and Wren, and Dr. Cosins—Case of Cosins—Impeachment of Strafford, Laud, Windebank, and Finche—Release of Prynne, Bastwicke, and Burton—Bill for Triennial Parliaments—Courts of Star-Chamber, and High Commission abolished—Attacks on the Hierarchy—Review of these proceedings—Trial of Strafford—justice of the course pursued with regard to him considered—his death.

THE parliament so memorable in English history under the name of the Long Parliament, was assembled toward the close of 1640. And it is generally acknowledged, that the conduct of the government during the last eleven years had been such as to render any attempt to vindicate itself not merely useless but impolitic. The ruling power in the state at this moment was that popular party whose suppression and extinction had been the great object of so many illegal and unjust proceedings. In the course of these proceedings both law and religion had

* Hardwicke Papers, ii. 157—151, 184—298. This valuable collection of papers contains the minutes of a cabinet council (148) on the 16th August, 1640, in which we find the following intimation of the king's intentions when quitting London for York. "No honour against rebels—he will be careful what to do." It was to his own want of judgment, and still more to this latent treachery, which by some means found its place in nearly all his proceedings, that Charles should have looked for the chief source of the perpetual troubles of his reign. Rushworth, iii. 1275, *et seq.* May's Hist. 44, 45, 48. Heylin states that many of the king's soldiers in this second army brought against the Scots, were "so ill persuaded, that in their marchings, they broke into churches, pulled up rails, threw down communion tables, defaced the common prayer books, tore the surplices, and committed many acts of outrageous insolence." Life of Laud, 454.

been so dealt with, that neither the king nor the prelates could see their advantage in appealing to them. The lords had gone over considerably to the popular side, and the popular leaders were so far impressed by the manifest dangers of the state, as to have become more vehement than ever in their call for a change, and more active in spreading their fears through the kingdom; and on the meeting of the new house of commons it soon became manifest that the ardour which it discovered in the cause of reform was in harmony with the general feeling of all classes through the kingdom.

Charles could not hope to diminish the hostile influence which was thus arrayed against his favourite policy, except by making some partial concessions with regard to the past, and giving some apparently cordial assurances that the future should not be of the same complexion. Such was the substance of the king's speech on meeting the two houses, and as they were not concerned to obtain "any such acknowledgement of former errors as might seem too low for the majesty of his person," the address of the monarch was listened to with general satisfaction. The term "rebels," as applied to the Scottish army, gave some offence, but Charles explained the word so as to render it less objectionable. They were rebels, he maintained, so long as they were in arms against their sovereign; but they might now be regarded as subjects, and he had so described them under the great seal*.

Proceedings
in parliament
—the king's
speech.
Nov. 3.

The choice of a speaker made it evident that the court had employed its influence in the elections with little effect. Gardiner, the recorder of London, was selected for that office by the king, but he failed to be returned as a member; and the commons gave their preference to Lenthall, a lawyer of some experience, and not obnoxious to the court, but who seems to have been principally indebted to this last circumstance for the honour thus bestowed upon him. He was a man of some shrewdness, but wanting in the promptitude and energy which such an office at such a crisis demanded.

Choice of the
Speaker.

The attention of the commons was first directed to the innovations which had affected the purity of the established religion. On this subject the speeches of Pym, Seymour, Grimstone, Bagshaw, and Rudyard, were conspicuous. Rudyard is described by the enemies of the popular party as one of the most upright and eloquent men of his day; but his statements when setting forth the recent practices of the government, were, in fact, an echo of those complaints which, as falling from the lips of other men, were interpreted by courtiers as the language of sedition and irreligion. He remarked that they were assembled to deliberate concerning the cause of God and of the king, from which their own, as Christians and subjects,

Speeches of
the members
—Rudyard.

* May's Hist. 47. Baillie, i. 218.

were inseparable. The fear of God among them would best conduce to the honour of the king ; and if the labours of some former parliaments had not been so successful as was fondly hoped, the cause would perhaps be found in their having allowed the questions of the commonwealth to take precedence of those concerning religion.

“ It is well known,” he observes, “ what disturbance has been brought into the church for vain and petty trifles ; the whole church, the whole kingdom troubled about where to place a metaphor or an altar. We have seen ministers, their wives, children, and families, undone, against law, against conscience, against all compassion, about dancing on Sundays. These inventions were but sieves made to winnow the best men, and that is the devil’s occupation. They have a mind to worry preaching, for I never heard of any but diligent preachers that were vexed with these and the like devices. They would evaporate and dispirit the power and vigour of religion, by drawing it out into solemn and specious formalities—into obsolete and antiquated ceremonies. Let them not say that these are the perverse suspicions or malicious interpretations of some factious spirits among us, whilst a Romanist has boasted in print that the face of our church begins to alter, the language of our religion to change, and that if a synod were held, and puritans excluded, our articles and theirs might soon be made to agree. They have so brought it to pass, that under the name of puritans our whole religion is branded ; and under the cover of a few hard words against Jesuits all popery is countenanced. Whoever squares his actions by any rule, either divine or human, he is a puritan. Whoever would be governed by the king’s laws, he is a puritan ; their great work being to exhibit all those of the religion,” that is, all sound protestants, as a people “ to be suspected.” The effect of these ill-judged proceedings, he continues to say, is division and weakness on every hand. Some, expecting the return of popery, are said to have been “ in haste to turn themselves papists before hand, hoping to render themselves more acceptable ;” while multitudes, after suffering many wrongs, and fearing more, had been constrained to seek the preservation of their religion, “ by flying into other countries, very many into savage wildernesses.”

In passing from the affairs of the church to those of the nation, the same speaker remarks :—“ The king is reduced to great straits, in which it were undutifulness beyond inhumanity to take advantage of him. Let us rather make it an advantage for him, doing him the best service when he has most need of it ; not seeking our own good, else we shall commit the same crime ourselves which we condemn in others. His majesty has clearly and freely placed himself in the hands of this parliament, and I presume there is not a man in this house who does not feel himself advanced in this high trust. But if he prosper not better in our hands than in theirs who have hitherto had the handling of his affairs, we shall make ourselves for ever unworthy of such a confidence.

Those men talk largely of the king's service, yet have done none but their own, as is too evident. They speak highly of the king's power; but they have made it a miserable power, producing nothing but weakness to the king and kingdom. They have exhausted the king's revenue; have spent vast sums of money wastefully, fruitlessly, dangerously; so that more money without other councils would be a swift undoing. They have always peremptorily pursued one obstinate pernicious course:—first, they bring things to an extremity, then they make that extremity the reason of their next action, seven times worse than the former, and there are we at this instant." These men he further denounces as having sought to abolish parliaments; as having insisted that the king should not allow his servants to be removed by the influence of such assemblies; as having taught that parliaments, even in the best times, are more skilled in devising expedients to abridge the royal power, than willing to supply the wants of the sovereign; and as having urged, with all the earnestness of a favourite maxim, that no appeal should be made to any such body in a season of difficulty. In conclusion he observes, that nothing but the deplorable condition both of the church and state, could have moved him to express himself in a manner so much against his nature and custom; and by declaring that he cherished neither hatred of any man's person, nor envy of any man's fortune; but that, in the exercise of an honest zeal, he sought a thorough reformation in a condition of affairs which rendered his doing so imperative*.

These were the topics dwelt upon by other speakers, and the temper of Rudyard may be regarded as a fair specimen of the mingled loyalty and patriotism which characterised the feeling and language of the house. The practice of printing and circulating the speeches of the members was now for the first time adopted, and its effect on the conduct of the two houses, and through the kingdom, was soon manifest. The many evils in the church and state were exposed in parliament without reserve, and the censures of the patriots called forth a multitude of petitions from their constituents, praying that no time might be lost in putting an end to all such proceedings. Nor did any man venture to defend the practices thus censured; most of them were no sooner introduced than they were condemned as grievances†.

By the authority of a committee appointed for the purpose, a great number of the clergy who had been silenced, imprisoned, or deprived of their livings, on the ground or pretence of nonconformity, were restored: and in some cases, the functionaries who had subjected them to such penalties were obliged to

Speeches in
parliament
printed.

Restoration
of silenced
ministers.

* Rushworth, iv. 43—20

† Baillie, i. 222.

make pecuniary restitution to the sufferers. This proceeding has been described as arbitrary, and as not strictly within the province of the house of commons. But it must be remembered that the judicial power of the commons was far from being restricted, either by law or custom, in that age, as at present : and that the exercises of authority on the part of that house had furnished precedents for such a course of proceeding. The livings of these men were regarded as their freeholds ; the grounds of their expulsion were adjudged illegal, as having more respect to innovations brought in by the ruling clergy, than to the conformity required by law ; and to examine and correct these instances of misrule in the high places of ecclesiastical power was regarded as belonging to the supreme authority pertaining to the high court of parliament. It was not to be expected that the commons would allow men whom they regarded as having been so much injured to remain under that injury ; and, in the confused state of things around them, it is not easy to conceive what less exceptionable method they could have chosen for the accomplishment of their object.

But it was not enough that these evils should be at once corrected ; a committee was formed to prevent the recurrence of them, and to proceed against such of the clergy as disgraced their profession by their vices. These persons were known in the language of the time under the name of “ scandalous ministers,” and as they had generally distinguished themselves by their opposition to the puritans, and by their support of the late unconstitutional policy of the government, they failed not to give out, and their friends failed not to echo the assertion, that it was not so much their scandalous vices as their conscientious principles that had called forth the displeasure of their enemies. But if this charge against the committee was at any time well founded, there is good reason to believe that it was not so until a later period, when the passions of all parties had become more inflamed by the long continuance of the conflict, and the still distant prospect of a settlement. At this time, some were merely reprimanded, others were bound to conduct themselves differently in future, the men suspended or deprived of their cures being generally such as had been “ countenanced to affront the puritans,” and who, beside their private vices, had manifested their zeal in the cause of the new ceremonies in religion, and of the lawless power assumed by the crown. Upon the whole, this committee rendered important service to the cause of religion and civil liberty, although its authority was not strictly regular, and some of its acts partook of inconsiderateness and severity.

Among the more distinguished offenders whose conduct was brought under the cognizance of this committee, were Peirce, bishop of Bath and Wells ; Wren, bishop of Norwich ; and Cosins, dean of Peterborough. We

have adverted to the zeal with which the first of these prelates conducted his crusade against the puritan lecturers, against afternoon preaching, and above all against the tenets of Calvinism. The kindred ardour of the bishop of Norwich was not less notorious. The severities of the latter prelate in putting down lectures, silencing the puritan clergy, and fining their followers, had caused the woollen trade, which was carried on chiefly by the puritans, to be almost removed from his diocese. That most important branch of English commerce was not only much impoverished by his conduct, but its very existence endangered, the exiles having established themselves in great numbers both in America and Holland. The charge of high crimes and misdemeanors was brought against these prelates by the commons, and they were bound in a heavy recognizance to appear when required. Their leading offence, however, like that of Dr. Cosins, consisted in attempts to enforce upon the clergy, and as far as possible upon the people generally, a conformity, not merely with the ritual which the law had established, but with many new and unauthorised customs, which were generally regarded as superstitious and idolatrous *.

Prosecution
of the bishops
Peirce and
Wren, and
Dr. Cosins.

Nothing was more common in those times than prosecutions on such grounds; but many, who can see the propriety of such proceedings while directed against the puritans, become immediately sensible to the folly and injustice of treating men as serious delinquents on account of the mere forms and ceremonies of religion, as soon as the persons who had introduced this policy, and acted so long upon it, begin to appear as sufferers under its influence. What before was a just and prudent attention to regularity and subordination, now becomes the mere pretext of faction. But the case of Cosins may assist the reader in forming a less partial judgment with respect to the conduct of the commons in relation to persons of his class.

From the accusation preferred against that divine, it appears, that in removing the communion table from the centre to the east end of the church, it had been his pleasure to expend two thousand pounds from monies entrusted to him for public purposes; and that certain images which had been defaced by the ecclesiastical commissioners in the time of Elizabeth, as unsuited to a protestant sanctuary, were restored and decorated at his command. In officiating at the sacrament, the dean was accustomed to turn his back on the congregation, in the manner prescribed by the popish rubric.

Case of
Cosins.

* May, 55, 56. Rushworth, iv. 98, 123, 133, 139, 158, 351, *et seq.* In his defence presented to the lords, Cosins said he was prepared to disprove many of the matters of fact alleged against him, but that he could have done so to any great extent is highly improbable. The commons declared him unfit to hold any office either in the church or the universities; and May speaks of him as one of those who, in the crowd of offenders, might rejoice that the parliament had so much business. Collier, Eccles. Hist. ii. 789, 790. Rushworth, iv. 152. May, 55.

The knife used on such occasions was never to be profaned to common purposes ; boys with tapers were in attendance ; and a number of genuflexions were added, altogether unknown to the English service. On candlemas day, this protestant dignitary testified his homage to the virgin by placing three score lights on and about the altar, and more than three times that number in other parts of the church. He also excelled in that accomplishment indispensable to a court divine of this period—abuse of the Reformation, declaring that Luther and his followers had disfigured the church instead of reforming it, by abolishing the ceremonial of the mass. So concerned was he that all persons should perform due obeisance to the altar which he had removed and beautified at so much cost, that certain ladies who proved refractory in that particular were seized by the divine in person before the congregation, their clothes rent, and their ears assailed with epithets which not only denounced them as no Christians, but as being lost to the morality as well as to the doctrine of the gospel. We may add, also, that, according to this humble-minded ecclesiastic, the king possessed no more authority over the church than “the boy who rubbed his horse’s heels.” Cosins was withal a cruel persecutor. These facts may suffice to show that it is possible for the zeal of a churchman, even in matters of religious ceremony, to carry him so far as to make him justly liable to censure and expulsion. It is also important to observe, with regard to this case of Cosins, how many alterations, of a certain kind, were allowed to be made in the established service, at the mere fancy of private persons, while the men who conscientiously withheld their conformity from any part of that service were not to be tolerated*.

Parliament assembled on the third of November ; on the ninth, Strafford, by order of the king, arrived in London. The day following, which the earl gave to rest, was employed by the patriots in preparing for the struggle which his unexpected presence obliged them to enter upon at an earlier stage of their proceedings than they would have chosen. They were not ignorant that the whole power of the crown would be employed to protect this formidable opponent, but they also knew that their onset would be sustained by the long fixed resentment of three kingdoms. On the eleventh of November, as soon as the members had assembled, the doors of the lower house were closed, and the keys given to the speaker, until the question to be introduced should be decided. When those doors were again opened, Pym came forth at the head of a large body of the members, and proceeding to the bar of the lords, there, in the name of the commons of all England, he accused Thomas, earl of Strafford, lord lieutenant of Ireland, of high treason, and required that his person should be arrested until probation might be heard†.

* Rushworth, iv. 208, 211.

† Baillie, i. 216. Rushworth, iv. 42, 43.

The lords, says a contemporary, began to consult on this strange and unexpected motion. Tidings of what had passed were carried in haste to the earl, who was with the king, and coming with speed to the house, he called rudely at the door. It was opened by Maxwell, keeper of the black rod, and his lordship, with a dark and haughty countenance, advanced towards his place. But at once many voices were heard repeating the word "Withdraw, withdraw!" and, confused and mortified, he found himself obliged to retire until the house should require his presence. When called in, he presented himself standing, but was commanded to kneel, and in that posture to hear what had been determined respecting him. He was then delivered to the keeper of the black rod, to remain his prisoner, until he should be cleared of the crimes charged upon him by the commons. At this point he would have spoken, but was interrupted by the command of the house that he should leave it in silence. In the entrance-room, Maxwell required him, as a prisoner, to deliver up his sword, and then called with a loud voice for one of his attendants to take my lord lieutenant's sword. The earl next began to make his way toward his carriage, through a great crowd of people, all gazing upon him, no man being uncovered in his presence, though the greatest in England would not have passed him in the morning of the same day without that token of homage. Some, in the confusion, asked what was the matter, and the earl replied, "A small matter, I warrant you;" but this air of confidence was checked by the reply—"Yes, indeed, high treason is a small matter." On reaching the spot where his carriage was expected to be in waiting, it was not to be seen, and this circumstance obliged him to expose himself a second time to the crowds in the avenues of the house; and when his carriage arrived, he was informed by the keeper of the black rod that he must not enter it, but as his prisoner take a place in his coach, which the earl did accordingly*. This act of the commons called forth the highest exercise of courage that could be demanded of them; and such was the impression made by this demonstration of their firmness and power, that the earl's reign of terror evidently closed with the moment of his arrest.

From this day Laud must have expected to share in the fate of Strafford. The commons began their attack on the archbishop by resuming the old subject of ecclesiastical encroachment on the authority of the legislature. It was resolved that the two houses of convocation possessed no authority to bind either clergy or laity without consent of parliament. Many of the transactions in a recent meeting of those houses were declared to be contrary to law, and injurious both to the crown and people; and, having attributed these, and many similar proceedings, to the influence of the primate, Hollis was deputed to accuse him of high treason at the bar of the upper house. The archbishop instantly rose, declared that the

Laud.
Dec. 18.

* Baillie, i. 217, 218.

commons themselves did not believe the charge, and, with his characteristic warmth, was about to enter on a defence of his conduct. But the most powerful ecclesiastic of the realm was called to order, as the most powerful layman had been some weeks before, and was committed to the custody of the black rod. The accusation presented against him consisted of fourteen articles, and was followed by his removal to the Tower*.

The storm which fell thus violently on the two personages who were regarded as the chief authors of the late disorders in the church and commonwealth, would naturally extend to many subordinate instruments of misrule. Windebanke, secretary of state, was the intimate friend of Laud, and the agent through whom the government had exercised its lenity towards catholics. It was ascertained that more than a hundred priests had been liberated by his order within the last four years. Judging from this fact, he must have dispensed with the laws in favour of the catholic laity in innumerable instances. The offender might have pleaded that in these things he had merely executed the instructions of his sovereign, and that the monarch had repeatedly declared that his servants were not responsible in such cases to any authority apart from his own. But these royal declarations, which no doubt had greatly emboldened the ministers of the crown in their late practices, were not renewed by the king at this juncture, and Windebanke consulted his safety by an immediate escape to the continent†.

Finch, the lord keeper, had exposed himself to the resentment of the patriots by his zeal in the cause of ship-money, and against him the commons directed the next stroke of their retributive justice. To soften the displeasure of his prosecutors, he descended to the meanest flatteries and entreaties, and despairing of success by such means of defence, he fled to Holland to avoid the consequences of an impeachment. The due appearance of the other judges, nearly the whole of whom had lent their names, if not their judgments, in support of the obnoxious impost, was immediately secured, by binding them each in the sum of ten thousand pounds‡.

Among the earliest acts of this parliament was the vote which released Bastwick, Prynne, and Burton from their confinement; and those sufferers made their public entry into London, followed by five thousand persons, men and women, on horseback, all wearing in their hats bay and rosemary, in token of exultation and triumph. The lords of the commission court, who had passed sentence on these objects of popular sympathy, were now arraigned, and required to pay to Burton

* May, Hist. 56. Parl. Hist. ii. 680. Baillie, i. 250. Whitelocke, 39. Laud's Troubles, 75.

† May, 56, 57. Rushworth, iv. 91.

‡ May, 57, 58. Rushworth, iv. 123—130, 136, 137, 189.

six thousand pounds, to Prynne and Bastwick five thousand each. Nothing can be said that would justify the language with which these offenders had assailed the ruling clergy. According to Burton, who was not the most extravagant of the three, the prelates were “dumb dogs, anti-Christian mushrooms, ravening wolves, robbers of souls, factors of anti-Christ, and limbs of the beast*.”

But if nothing can be said to justify this style of controversy, there are considerations which serve to extenuate it. These hard words should be compared with the unreasonable and violent proceedings which had served in so great a degree to produce them; and it should be recollected that many of the ecclesiastical leaders, both in England and Scotland, were not men who attracted any great respect to their office by the excellence of their personal character. Nor should it be forgotten, that the hard measures to which the prelates resorted for the accomplishment of their objects were often accompanied, even in their case, with the use of language which, if not altogether so violent as that which was sometimes directed against themselves, was quite as reproachful. There was no offence against social order or true religion which had not its place in the court vocabulary of abuse when the puritans were the objects of attack. Hence, while some persons censured the release of Prynne and his brethren, and the expressions of popular feeling which marked their return to the capital, as an insult cast upon the courts of justice, a much greater number applauded what was done as exhibiting the triumph of justice over oppression; and this they did the more freely as the penalties inflicted on these sufferers had been adjudged in the star-chamber, a court the recent proceedings of which had made it the just object of aversion both with the parliament and the people.

The commons adopted various regulations which proscribed many of the existing monopolies, fixed the boundaries of the royal forests, and lessened the evils of purveyance. They also abolished the feudal custom of compulsory knighthood, and put an end to the practice of impressing men to serve as soldiers in foreign countries, or in Ireland. In an act granting the duties of tonnage and poundage, it was declared to be, and to have long been, the right of the subjects of this realm, that no charge should be laid on merchandise, imported or exported, belonging to natives or aliens, without consent of parliament. In another bill ship-money was declared to be an illegal impost, and the sentence against Hampden by the judges and the barons of the exchequer was reversed †.

Important measures adopted by the commons.

But however wise these arrangements may have been, what perma-

* Rushworth, iii. App. 122—132. May, 53—55. Baillie, i. 218, 222, 227.

† Rushworth, iv. 19—146, *passim*, et seq. Clarendon's strong censure of the judges at this time accords but little with the account given in his history of the general character of the king's government from 1629 to 1640. Clarendon, Hist. i. 495—504.

Bill for tri-
 ennial parlia-
 ments.

nent value could be attached to them so long as the meetings of parliament, whose vigilance alone could secure their being acted upon, were allowed to depend on the pleasure of the crown? In what manner to provide against this evil, which was generally regarded as a principal source of the late irregularities in the conduct of the government, was a question with which the thoughts of the popular members in both houses were much occupied. It was well known that Charles had learned to "abominate the name" of a parliament, and that it had long been the great object of his policy to substitute in the place of all such assemblies a mere council of state which should be responsible to himself alone. On his disposition and purpose in this respect, his ministers had founded their hope of impunity when violating the laws in obedience to his instructions, and this had rendered them bold in transgression.

Jan. 19.

But a bill was now passed, which required that a new parliament should be convened every third year, and which also provided, that in case the proper authority should neglect to summon such an assembly at the appointed time, the people themselves should be authorized to assemble unbidden, and to choose their representatives. The suspicions implied in this measure had respect in part to the known temper of the present monarch, but still more to that spirit of encroachment which is at all times so natural to the possessors of supreme power. The design of this act was in effect the same with that of the institution of the Ephori in ancient Sparta, and embraced a precaution strictly necessary to every properly balanced constitution. That it would be very unacceptable to the king, and to all persons whose loyalty was but imperfectly influenced by reflection and patriotism, was sufficiently understood; but the popular leaders knew from sad experience, that a periodical appeal to the people was not to be secured by any less decisive measure. Judging, indeed, from the past, they could not have looked even upon such an enactment with perfect confidence: but if, like the Petition of Right, it did not wholly prevent a recurrence of the evils against which it was directed, it would perhaps be found to hasten their extinction by fixing upon them a broader character of illegality. The king gave his consent

Feb. 15.

to this bill with visible reluctance; but the people, on learning that it had become law, kindled bonfires, and exhibited every demonstration of joy *.

Courts of star-
 chamber and
 high-com-
 mission abo-
 lished.

March 10.

The instruments employed with most effect in support of those arbitrary acts which had spread so much alarm and such a sense of injury through the nation, were the courts of star-chamber and high-commission. There was little in the civil or ecclesiastical affairs of the community that might not be brought within the cognizance of those tribunals,

* Rushworth, iii. 1341, 1342; iv. 146—148, 189, 192. Parl. Hist. ii. 702, 716.

and in the absence of parliaments, their authority, seldom restrained by any just regard to law, was found to be irresistible. But the time had come in which these strong-holds of irregular power were to be assailed and demolished. After a struggle, entered upon by the patriots with a determination to prevail, and resisted for a while, though with small hope of success, by the monarch, those memorable courts fell completely and for ever*.

Contemporaneous with these proceedings were others which bespoke the growing disaffection to the hierarchy, and the rapid increase of persons who called for nothing less than the abolition of episcopacy. The boldness which marked the language and conduct of this party alarmed the prelates, and was attributed in a great degree to the presence and influence of the Scottish commissioners, who, being now resident in London, preached to large auditories on the Lord's day, and published their opinions with regard to the origin and claims of the episcopal office without the smallest reserve. It now became manifest that there was a large body of persons, both among the laity and clergy, who were desirous of seeing the office of the bishops abolished, while many more proceeded so far in this course as to demand that the authority and the wealth of the prelates should be reduced to much narrower limits. One petition, praying for the extinction of the order, received the signatures of nearly two thousand English clergymen. From a number of counties, petitions on this subject were presented signed by many thousands; some urging that the office of the bishops should be no longer acknowledged, others, and perhaps the greater proportion, imploring a removal of ecclesiastical abuses, and expressing concern that the power of the order, whose ill-regulated zeal had been the occasion of so much evil, might be subject to considerable and well-defined restrictions in future. But many petitioners of the latter description spoke with much earnestness of their anxiety for the preservation of the office itself. In the parliament, Selden, Digby, Faulkland, and Rudyard, distinguished themselves in the cause of the bishops as an order. In the commons, however, and in the capital, the Presbyterians, or the men whose reformed episcopacy would have approached nearly to the same system, predominated.

But unhappily, the civil power, which had exerted its strength to destroy the ancient discipline of the Scottish kirk, and to impose the customs which were described as the abominations of prelacy in its room, was the agency now chiefly invoked to expel those abominations from both kingdoms, and to enforce an observance of the presbyterian polity. Force was still, in a great measure, to have the place of persuasion; religion was

Attack on the hierarchy.
January.

The Covenanters had no just notion of religious toleration.

* The bills which put an end to those courts were drawn up on certain great principles that swept away several tribunals of the same arbitrary character which had long operated as heavy local grievances.—Clarendon, Hist. i. *ubi supra*.

still to be a state apparatus. Its professors, as heretofore, were to be of one faith and one order. Upon this principle the Covenanters had proceeded in Scotland, and with this temper they would have imbued the minds of their partisans in England; nor did they labour in this vocation without a considerable portion of success. Thus the new order of things was to include all the elements of power, which, in their natural operation, had brought so much disgrace upon the old, and had prepared the way for the overthrow which now awaited it.

But though the presbyter would have set up his own exclusive pretensions in this manner in the place of those which had been so long avowed and acted upon by the bishop, there was some difference between these rival parties. The prelates had become intolerant almost without a cause, while the presbyterians had been driven to the adoption of the exclusive views which they now professed by the arrogance of the claims broached on the part of their opponents, and were prepared to enforce those views with some severity as a natural consequence of the many injuries to which, as a subjugated party, they had long been obliged to submit. It should be added, too, that the ascendancy which the episcopal clergy had sought by their subserviency to a corrupt government, accelerating its course toward the most degrading despotism, the presbyterians had contended for on more open ground, appealing to the deliberations of popular assemblies, and to the awards of a constitutional legislature*.

It was well for both these parties, and for those rights of conscience The Independents. which are now so happily recognized among us, that there was still another protestant party in the kingdom, rising daily in its influence over the community, and not without its advocates in parliament. This body soon became known under the name of "Independents," or "Congregationalists." Their principles of ecclesiastical polity, which we have stated elsewhere, not only taught that no man should be liable to any civil penalty on account of his religious opinions, but that the sole object of the state in regard to religion is to protect its professors from injury, so long as they are found to conduct themselves as peaceable members of society†. Each church, they inculcated, should consist of a body of persons associated for purposes purely religious, and governed by regulations and sanctions strictly of that character, possessing in themselves all the powers necessary to their own

* "Ministers who refuse to read the Covenant are called before their presbyteries to hear and see themselves deposed, and all this without warrant. Gentlemen of quality also are refused the benefit of communion for refusing to subscribe the band." Hardwicke Papers, ii. 107. Baillie could see nothing but confusion and ruin to a national church, whose "presbyteries and general assemblies have no power of censure, but only of charitable admonition." Letters, i. 254. At the same time bishop Williams is found complaining that the civil courts were about to leave the ecclesiastical nothing beyond the rusty sword of excommunication.

† See p. 124 of this volume.

government, and being, accordingly, *independent* of all foreign control.

In the commons there were some leading men who adopted these views, as being favourable to that mutual forbearance on religious subjects which both reason and circumstances so much demanded. Among the advocates of this party in the upper house were the lords Say, Brook, and Wharton. The ministers of the Independents who were most active at this juncture came from their places of exile in Holland, and are described by Baillie, the commissioner of the Covenanters, who looked upon them with some apprehension, as "learned, discreet, and zealous men *."

Beside the petitions against episcopacy from the several counties, and that from nearly two thousand of the clergy, was one Jan. 23. to the same effect from fifteen thousand of the inhabitants of London. After a debate of two days on the matter of these petitions, they were referred to a committee by a majority of thirty-two. The king, however, declared in the most solemn terms, that in his judgment episcopacy was an essential part of Christianity, and that his conscience would never allow him to concur with any project for its removal. But the Scotch commissioners were not to be diverted from their object by this avowal. Against the bishops, says Baillie, "we pray, preach, and print, what we are able, most freely. Many a sore thrust get both men and women thronging to our sermons—there is a world of pamphlets here. How this matter will go the Lord knows; all are for erecting a kind of presbytery, and for bringing down the bishops in all things, spiritual and temporal, so low as can be with any subsistence. But their utter abolition, which is the only aim of the most godly, is the knot of the question; we must have it cut by the axe of prayer †."

The petition from the metropolis was in course of preparation within a fortnight after the meeting of parliament; but even six months later the question appears to have made but little progress in either house ‡. A bill was then presented to the Lords, which went to ex- March 11. clude all ecclesiastics from the privy council, and from holding the office of magistrates §. In the discussion which followed, the strength of the two parties was called forth, but the bill was rejected on its third reading by a considerable majority. Had the lords con-

* Letters, i. 253, 254.

† Ibid., i. 245. Rushworth, iii. 1343—1345, 1346—1363.

‡ "On Thursday (Tuesday) last was here a fast. Mr. Blair and I preached to our commissioners at home, for we had no clothes for going out. Many ministers used greater freedom than ever here was heard of. Episcopacy itself beginning to be cried down, and a Covenant cried up, and the Liturgy to be scorned. The town of London and a world of men mind to present a petition, which I have seen, for the abolition of bishops, deans, and all their appurtenances. Huge things are in working. All here are weary of the bishops." Baillie, i. 215, 216. See also pp. 225, 228, 235, 236, 239, 242.

§ Parl. Hist. i. 725, 791, 792, 794, 814.

occurred with this moderate proposal, their opposition to others of a more decisive nature might have been made with greater effect. The immediate result of this unwise proceeding was the expression of much displeasure on the part of the commons, who rose in their demands, requiring in their next bill that the prelates should be removed from their seats in the upper house. Hyde, afterwards Lord Clarendon, was chairman of the committee to which this question was intrusted, and he congratulated himself afterwards on having been able, in that capacity, to perplex and protract the discussion, so as to prevent any progress from being made in it until the near approach of the civil war *.

The propriety of the measures which had thus far engaged the attention of parliament was a matter on which the nation scarcely partook of a divided feeling : and the enemies of the patriots in later times, however much disposed on other accounts to complain of those proceedings, have generally been constrained to speak of them in the language rather of praise than censure. The liberation of Prynne and his fellow-sufferers was an act of justice. In this transaction the popular leaders acted upon the principle, that the sentence of any court in the realm was liable to be reversed by the authority of the high court of parliament ; and if any exception to this rule had been admissible, certainly the decisions of the court of star-chamber would have been among the last to possess any claim to such honourable distinction. And it may be added, that the punishment already inflicted had greatly exceeded the offence, supposing that to have been quite as serious as stated in the prosecution.

With respect to Finch, it is admitted by Clarendon, that if an attempt to subvert the fundamental laws of the kingdom be treason, that unscrupulous sycophant was certainly chargeable with having thus offended. The process commenced against Windebanke, though in behalf of intolerant laws, was strictly constitutional, and his escape must be attri-

* * Life of Clarendon, i. 80—84. Parl. Hist. i. 794, 816, 822. It is in the following terms that the moderate temper of Faulkland describes the recent conduct of the bishops while contending for the preservation of episcopacy : " He is a great stranger in Israel who knows not that this kingdom hath long laboured under many and great oppressions, both in religion and liberty ; and his acquaintance here is not great, and his ingenuousness less, who does not both know and acknowledge, that a great, if not a principal cause of both these have been some bishops and their adherents. A little search will serve to find them to have been the destruction of unity under the pretence of uniformity ; to have brought in superstition and scandal under the name of reverence and decency ; to have defiled our church by adorning our churches ; to have slackened the strictness of that union which was formerly between us and those of our religion beyond sea—an action as impolitic as ungodly. It has been more dangerous for men to go to some neighbour's parish church, there being no sermon in their own, than to be obstinate and perpetual recusants. While masses have been said in security, a conventicle has been a crime ; and which is more, the conforming to ceremonies has been more exacted than the conforming to Christianity." Rushworth, iii. 1342, 1343 ; iv. 28—282, *passim*.

buted as much to the clemency or prudence of his opponents, as to his own fears.

The charge of treason against Laud may not seem to have been clearly sustained in the articles of impeachment preferred against him; but it must be remembered, that the man who conspires to defraud the subject of his chartered rights, which it is certain was the case here, must be understood to do so, not merely without the concurrence, but against the command of the king. This follows from the well-known maxim, "the king can do no wrong." It should here be carefully marked, that it was on this ground that the most passive instruments of royalty were so often denounced as traitors during this period. Nor has the wisdom of later times been sufficient to devise any better expedient by which to divert the resentment of the injured, in such cases, from the person of the monarch. The king may be the principal party in an attempt to destroy the liberties of the subject, but it is his ministers only who are held responsible for what may be done with a manifest view to that object; and the party which the law holds responsible, is of course the only party on whom it will inflict its penalties in case of delinquency. On this principle of ministerial responsibility all parliamentary impeachments have proceeded, and it had been distinctly acted upon not long before this time in the cases of Bacon, Middlesex, and Buckingham. This principle imparts consistency to many things in the course of the present struggle, which, if looked upon apart from it, may have the appearance of contradiction and injustice. This maxim of our constitution, though a part of its alphabet, seems to be altogether overlooked by not a few of the traducers of the Long Parliament. Whether an attempt to destroy the fundamental laws of the kingdom be treason or not, is a question which we shall have occasion presently to consider; but that the conduct of such ministers as the archbishop of Canterbury made them justly liable to impeachment is certain.

With regard to the proposed modification or abolition of episcopacy, the matter was one on which the subject possessed a full right to petition parliament; and parliament, as it had been found competent to establish that form of polity, so it was competent to alter, or altogether to remove it. We have seen that the commons under Elizabeth, and some of the wisest counsellors of that princess, had shown themselves careful to inculcate this strict dependence of the church on the state*.

But no act among these earlier proceedings of the present parliament has been so much censured by persons opposed to its general character, as that in which it prohibited the clergy from publishing canons, to bind either clergy or laity, without its consent. This proceeding had respect immediately to the canons adopted by the houses of convocation

* See pp. 38—40 of this volume.

assembled with the parliament of last year; and the strange doctrine which those canons contained is not sufficiently remembered by the persons who have so strongly condemned the conduct of the patriots in this particular. It was when that short parliament had been dissolved, and when the houses of convocation, according to all law, and, with a single exception, according to all precedent, were also dissolved, that a series of regulations of the most questionable and obnoxious description were agreed to, and preparations were made to enforce them. It was required by these ecclesiastical enactments, that every physician, lawyer, and schoolmaster, should swear his approval of the doctrine and discipline of the church of England, and that every such person should bind himself by the same solemnity never to seek a change of its form of government, either directly or indirectly. The divine right of kings was taught in the most absolute terms, and the man who should resist their authority, under any pretence whatsoever, was given over, as far as the sentence of excommunication could effect it, to destruction.

Thus, at a season when the conduct of our rulers had rendered the doctrines of implicit faith and passive obedience much more unacceptable than they had ever been in this country, a moment is chosen to publish canons which declared that no man could be a Christian who refused submission to the most undisguised forms of despotism, either in the church or the state. Surely it was time that something should be done to protect the common sense of the community against the insults of a power like this! Had innovation been necessary to this end, the panic which that word is so often employed to create should hardly have deterred the patriots from resorting to it*.

But was it necessary to innovate for this purpose? It is admitted that the acts of supremacy and uniformity which restored the protestant laws of Edward the Sixth empowered the sovereign to adopt, with the assistance of certain ecclesiastical commissioners, or of the houses of convocation, such regulations with regard to divine worship and religious offences as should be deemed expedient. But it was also provided by those acts, for the protection alike of clergy and laity, that all regulations proceeding from this delegated authority should be *agreeable to the laws of the land*, and to canonical scripture; and the authority of an ultimate judge, with respect to what should be deemed lawful and scriptural, was retained with much jealousy by the parliament. The vigilance of the high commission court, and of the convocation, with the sovereign at their head, was to be restricted to such things as might

* Parl. Hist. i. 678, 679, 772, 773, 829. Heavy fines were imposed on some of the dignitaries who were most active in the convocation. The decision of the commons on the whole question passed without a dissentient voice, and was adopted verbatim by the Lords. Collier, ii. 792—794. Rushworth, iii. 1186, 1187, 1354, 1355; iv. 100—112.

“lawfully be reformed, ordered, redressed, corrected, restrained, or amended ;” and the means of enforcing such things were to consist of such only as might *“be lawfully* exercised and used.”

On this ground the parliament frequently interposed to check the alleged encroachments of the spiritual courts upon the secular, and often maintained that the only legal terms of religious conformity were those which the acts of the national legislature had laid down, and that no regulation depending on the sanction of a clerical assembly, even in connexion with the crown, should be allowed to bring the slightest injury to the temporal estate of clergymen or laymen. Accordingly, what had been hitherto done by the present parliament in this respect, instead of being altogether a novelty, was no more than our parliaments had claimed a right to do from the age in which the protestant hierarchy was established. It is true, the artifice and violence employed by the crown to escape from the restraints thus laid upon its power in relation to the church by the constitution, were too frequently employed with success ; but such, according to law, was the dependence of the houses of convocation on the supreme authority of parliament, that they could not even vote a subsidy, that might be legally exacted, without its consent.

On the whole, therefore, we repeat, that in what the king had at this time assented to in relation both to the church and the state, he had rather corrected innovation than sanctioned it. Charles had agreed to the law of triennial parliaments ; but our statute-book contained more than one enactment, old as the time of the Plantagenets, which required that a parliament should be convened every year. With respect to the court of star-chamber, it was not pretended that its origin could be traced further back than the reign of Henry the Seventh ; and the court of high commission was known to be a comparative novelty, peculiar to the reigns of Elizabeth and James. It was also certain that both, and particularly the latter, had become much changed from what the statutes relating to them had required them to be. With regard to the levying of ship-money, in the form, and to the extent, in which the court had exacted it ; and the imposing of the customs at the ports without the consent of parliament ; these practices were not spoken of anywhere as strictly legal, but were always vindicated on the plea of necessity *.

Great, therefore, as were the changes which we have mentioned as produced at this period, we should err materially in our judgment with regard to the history of the English constitution, were we to look upon them, except in a few minor points, as the introduction of novelties. What was new consisted almost entirely of securities placed around ancient law ; adding little or nothing to the true and ascertained liberties of Englishmen. It is to the patriots assembled in the parliament of

* See Rushworth, iii. 1340, 1341, for the strong language in which Clarendon censured the conduct of the judges in the matter of ship-money in 1640.

1640, more than to any other body of men in English history, that our country is indebted for that growing spirit of freedom by which it has been distinguished, and for that high rank to which it has attained among the nations of the earth. What has been since done in the cause of our political privileges, is scarcely important when compared with what was then accomplished. On a superficial view of affairs, the Restoration may appear to have rendered all the labours of the Long Parliament even worse than useless; but a more attentive comparison of the reigns of the two last Stuarts with those of their father and their grandsire, will lead to a very different conclusion. Even Hume admits, that the conduct of the parliamentary leaders to this period was such, with one exception only, "as to entitle them to praise from all lovers of liberty." The exception thus made respects their conduct toward the earl of Strafford.

Among the immediate rewards bestowed on that "grand apostate Conduct of from the cause of the people," was the honour of a peerage; Strafford. the acknowledgment of a claim which he made to royal blood, through Margaret, the grandmother of Henry the Seventh; and the office of president of the council of York, which, with its enlarged jurisdiction as placed in his hands, gave him a sort of delegated sovereignty, freed from the checks of the common law, and extending to no mean portion of the kingdom. All men looked with astonishment on these events, and not a few with feelings which were no good omen for the peace of the new courtier. No space had intervened between what by profession he had been, and what he had become, to leave any room for the most abundant charity to suggest the possible sincerity of the apparent change. His pretensions to a royal lineage exposed him to derision; his reconciliation with Buckingham, after the treatment he had received from that minion, and after being one of the many who denounced him as a traitor, was adverted to as betraying a surprising meanness of temper; while his avowal of principles so opposite to those of which he had lately been so loud an advocate, was dwelt upon as showing that he had ceased to value even the appearances of honesty.

Persons who were at all slow to receive this unfavourable view of his character, were reminded of the nature of that court of which he had become the president: a tribunal as little subject to the rules of law as the star-chamber, and one the powers of which had been stretched beyond their former limits on the election of its new president, as though for the purpose of affording him greater opportunities to trample on that law and liberty of which he had recently declared himself to be so zealous a guardian. It was during this state of public feeling that Pym happened to meet Wentworth at Greenwich: they conversed on public affairs, but not to Pym's satisfaction; and in parting from the man who had recently been his fellow-patriot, he addressed him in these

long-remembered words :—" You are going to leave us, but I will never leave you while your head is upon your shoulders * ! "

Wentworth had ruled the north of England about four years, through the medium of the court of York, when called to the dignity of viceroy of Ireland ; and the system of intimidation on which he had acted with some appearance of success in this country was then extended to the sister kingdom. There, indeed, his sway was even less impeded than at York.

It is certain, from many parts of his conduct which drew upon him the attention and resentment of his contemporaries, and from documents which have since come to light, that the great policy of Wentworth from the time of quitting his connexion with the patriots was to dispense with the laws wherever they were found to be a restraint on the pleasure of the sovereign. When writing to the king about the plans which he had devised with respect to Ireland, he remarks :—" But in all these things the benefit of the crown must, and shall, be my principal, nay, my sole object." The method and firmness with which this object was pursued in that kingdom were such, that in little more than twelve months he could declare exultingly—" The king is as absolute here as any prince in the world can be." Parliaments, indeed, were allowed to assemble, but they were always made to be the mere tools of the power which convened them. It was the same with the convocations. Still the country was prosperous, compared with what it had been under the more lenient, but less able, policy of his predecessors. On returning to England after an absence of three years, his account of proceedings in the sister island procured him much applause from the court †.

This visit led to Wentworth's more active interference with the question of ship-money. As president of the council of York he enforced the payment of that tax with his usual promptitude, and assured the king there would be little difficulty in obtaining it in future from the northern counties.. So much was Charles elated with the partial success of this scheme, that he began to meditate a rupture with Spain ; but before committing himself on so important a matter, it was deemed proper to obtain the opinion of the lord deputy. The answer of Wentworth was an urgent dissuasive from the enterprise ; but one founded on the consideration that a war must bring on expense ; that expense must make it necessary to convene a parliament ; and that the necessity of convening a parliament must be the destruction of those plans by which it was hoped to render his majesty the most considerable monarch in Christendom, and "*for ever to vindicate royalty at home from the conditions and restraints of subjects.*" His advice, accordingly, was to avoid every measure that might possibly lead to a dependence on parliaments.

* Rushworth, ii. 158, 162—165. Macdiarmid, *Life of Strafford*, *ubi supra*.

† Strafford Papers, i. 341, 343, 344 ; ii. 13—22, *et alibi*.

He also strongly recommended, that ship-money should be made to fall for a time as lightly as possible upon the people, until the habit of rendering such payments should be considerably formed, and a precedent of some force should be thus obtained in its favour. It was then to become the groundwork of other measures, of which, until the season for adopting them should arrive, it would be better to meditate than speak*.

But it is in his correspondence with Laud that we find the lord deputy expressing his sentiments and purposes most freely with regard to affairs in England. This correspondence extends to the whole interval from 1629 to 1640, and contains references to the severities in the courts of star-chamber and high-commission, to the corrupt judgments extorted from the judges, and to those arbitrary proceedings in general by which the government was characterized during that period. But in the judgment of Laud and Wentworth, little was done at that time by the king, the clergy, or the courts of law, towards elevating royalty above "the conditions and restraints of subjects," compared with what should have been done. In these letters, the word "thorough" recurs as the term used to denote that spirit of uncompromising hostility to all popular right which these correspondents had imbibed, and the impress of which they would freely have given to all the proceedings of the government. Making allusion to the very reasonable discontents of the time, Wentworth says, "It is a grievous and overspreading leprosy. Less than *thorough* will not overcome it. There is a cancerous malignity in it that must be cut forth, which long since hath rejected all other means. So long as I do serve I will *thorough*, by the grace of God, follow after what shall please him to send†."

The manner in which he would have dealt with the class of persons adverted to is indicated in the language which he employed with respect to one of their leaders. "Mr. Hampden," he writes, "is a great brother, (a puritan,) and the very genius of that people leads them always to oppose, as well civilly as ecclesiastically, all that authority ordains for them. But in good faith were they right served, they would be whipped home into their right wits, and much beholden they should be to any man that should thoroughly take pains with them in that kind. In truth, I still wish Mr. Hampden, and others to his likeness, were well whipped into their right senses, and if that the rod be so used that it smarts not, I am the more sorry‡." On another occasion he says, "I know no reason but you may as well rule the common lawyers in England as I, poor beagle, do here; and yet that I do, and will do, in all that concerns my master, at the peril of my head. I am confident that the king being pleased to set himself to the business, is able, by his wisdom and ministers, to carry any just and honourable action, through

* *Strafford Papers*, ii. 60—64.

† *Ibid.* ii. 136, 250.

‡ *Ibid.* i. 345.

all imaginary opposition, for real there can be none. To start aside for such panic fears as a Prynne or an Eliot may set up, were the meanest folly in the whole world. The debts of the crown being taken off, you may govern as you please*.”

It would be easy to multiply passages of this description, but these will suffice to show the extent to which this species of warfare against the liberties of the English people was carried by these men. It is manifest that the change which they contemplated embraced the total overthrow of the constitution; and the substitution of that “sovereign power,” which Wentworth had once declared to be unknown to our laws, in the place of all law†.

While prosecuting his plans in Ireland, Wentworth was summoned to aid the king in providing against the evils threatened by the Scottish invasion. When it was determined that another parliament should be assembled, the lord deputy became so far sensible of his danger as to request that he might be permitted to return to Ireland; but Charles was anxious to secure his assistance at this crisis, and commanded his attendance, assuring him “that not a hair of his head should be touched‡.” Beside the enemies with which Wentworth had surrounded himself by his apostacy, and by his course of proceeding consequent on that event, there were others hardly less formidable in the very court which he had so much laboured to propitiate. The queen appears to have been at the head of this party, which included the marquis of Hamilton, lord Holland, sir Harry Vane, and the earls of Essex and Arundel. He had in consequence experienced, since his arrival, several mortifying instances of exclusion from the most important deliberations of the council. It was at this juncture, however, that Charles conferred upon him the title of earl of Strafford, a distinction which he had more than once descended to solicit§.

We have seen, that on the second day after his arrival in London, the earl was impeached. Some days later, a charge consisting of nine articles was presented by the commons: but the committee appointed to prepare the impeachment extended their investigations during three months, and the articles contained in their last charge were twenty-eight in number. The point which it was the grand object of the commons to establish against the accused was, *an attempt to subvert the fundamental laws of the country*. Having made this appear, it would remain for them to show that traitorous designs against the sovereign were necessarily included in this meditated inroad on the securities of the state.

* Strafford Papers, i. 173.

† “Our laws are not acquainted with sovereign power.” Rushworth, i. 554.

‡ Whitelocke, 37.

§ See some notices of the neglects to which Strafford was exposed by the conduct of the king and the court in his Letters, i. 128, 138, 142—144; ii. 42, 83, 103, 111, 127, 133, 201, 265, 284.

The place appointed for this memorable trial was Westminster-hall, and many writers of the time speak with admiration of the stately preparations which were there made in prospect of this grand inquest. On either side the hall stages were raised, eleven in succession, each divided by rails, and the whole reaching nearly to the roof. In the highest range were the commissioners of Scotland, and the lords of Ireland, parties to this process, with the commons of England who were seated below them. The peers, to whose solemn arbitration the questions at issue were to be submitted, occupied the centre, in their state dresses; and with them were the lord keeper and the judges on the woolsacks, in their robes of scarlet. At the upper end, and somewhat above the space where the peers were seated, was a chair placed upon an elevation, and covered with a canopy of state. There was also a second chair for the prince: but both were vacant, as no judicial act could be legally proceeded with so long as the king was supposed to be present. But two galleries, partly concealed by trellis-work, rose on each side the throne, one of which was allotted to the foreign nobility and others, and the king, the queen, and their court occupied the other. At the foot of the state canopy was an elevated space, into which many ladies of rank were admitted. At the lower end of the hall were temporary apartments, to which the accused or his accusers alternately retired for half an hour to prepare their matters of charge or defence. Between this lower part of the hall, and the centre filled by the lords, was a small desk, at which the earl stood or sat, four secretaries being in waiting, and the governor of the Tower at his side. The earls of Arundel and Lindsey discharged the duties, the former of high steward, the latter of high constable of England. Before this assembly, "the most glorious," says an eye-witness, "the isle could afford," Strafford appeared, day after day, brought in by a guard from the train-bands. He wore a deep mourning suit, and his George, an ornament which bespoke his rank. His dark countenance, now paled with sickness, and his body, somewhat bent from its long-continued infirmities, but through which the dignified self-possession of his mind was still visible, tended to increase the sympathy which the appearance of any man in such circumstances could not fail to awaken*.

No indifferent persons were found in that great assembly. There was enough in the countenance and gestures of all, and in their loud talkings during the cessation of the speeches, to bespeak the interest which every one felt in the shifting appearances of the struggle. Charles looked on the fate of Strafford as involving that of the plan of govern-

* Baillie's Letters, *ubi supra*. Baillie was present as one of the Scotch commissioners. He informs us that the king broke down the screen from before him with his own hands, but the royal auditors, though sitting "in the eyes of all, were no more regarded than if they had been absent, for the lords sat uncovered."—May's Hist. 61.

ment to which he clung with so much fondness and solicitude. Even those courtiers who were the enemies of the accused, could not regard him as there to stand or fall for himself alone; and the court ladies, ranged about with their note-books in their hands, made no secret of having given their passions to the cause of the prisoner. While on the other side were the delegates from Scotland and Ireland, with nearly the whole commons of England, and a large body of reflecting patriotic men who saw in that prisoner the evil principle of all government, and who regarded the issue of the present conflict as an event which would do much to determine whether freedom or despotism was to be the portion of themselves, and the heritage of their children.

The articles in which Strafford was charged immediately with the crime of treason were only three in number. These related to his having compelled certain persons to comply with his arbitrary exactions, by quartering soldiers upon them; to his having raised an army in Ireland which he advised the king to employ for the subjection of this kingdom; and to his having imposed a tax by his own authority upon the inhabitants of Yorkshire, under the pretext of its being for the support of the trained-bands. The remaining articles concerned things said or done, which were set forth as treasonable in their general tendency. This practice of blending offences different in degree in the same impeachment is almost as old in our history as the process itself, and was resorted to in this case for the purpose of showing that acts tending to the overthrow of the state, no matter with what pretence of loyalty they may have been performed, must amount, in legal effect, to acts of treason against the sovereign.

The sovereign, it was argued, is a relative personage, and cannot be conceived to exist without a subject community; and accordingly, whatever tends to destroy the great bonds by which a community is held together, tends to the destruction of the sovereignty over it, that being merely the head of the body politic, which must of necessity die with it. So that to compass and imagine the death of the law, is, in effect, to compass and imagine the death of the king. It was on this ground maintained, that the statute of treason which had been in force from the time of Edward the Third, could never have been designed to afford security to the person of the king, to the neglect of all security for those laws from which the king derives his office, and for the sake of which alone he has been invested with it.

But notwithstanding the apparent justness of this reasoning, which was much dwelt upon by Maynard and St. John on behalf of the commons; and notwithstanding the conduct of Strafford in the matters referred to in the two or three articles upon which the main dependence of his prosecutors was placed, certainly came very nearly, if not strictly, within the statute of treason, there was still much room left for technical objection, and the defendant availed himself of every advantage in that

shape, with a dexterity and eloquence which extorted the admiration even of his enemies. Every one acquainted with the life of Strafford from the time of his apostacy, must have been satisfied of his hostility to our fundamental laws; and if any doubt could possibly remain on this subject, it must be altogether removed in our case by his letters since made public. But even on this point there was a want at that time of particular facts affording the requisite technical evidence; and had this point been placed beyond doubt, the accused would still have maintained that such acts could be construed into treason only by virtue of certain reasonings or inferences deduced from the statute, and not from anything expressly and directly contained in it.

In that age, indeed, the rules of evidence were far from being defined as at present, and those which were in some degree recognised in one instance, were not sure to be acknowledged in another. Nor can any one be familiar with the history of our state-trials, without being aware that a latitude had been often, and, indeed, very generally given to the law of treason, that would have made it embrace acts of a treasonable tendency, even of a less direct and formidable character than were several of those admitted to have been proved against Strafford. His opponents did not need to be reminded of the laxity which in these respects had characterized our state prosecutions even down to very recent times; and they no doubt spoke upon the whole sincerely, when, at the close of the fifteen days which had been occupied with this trial, they affirmed that the main charges were sufficiently proved.

Hesitation, however, was still expressed by the lords. In the hope of seeing the course of justice more clearly, they referred the matter to the judges for their opinion; the answer returned, without a dissentient voice, was, that upon all the articles which their lordships had voted to be proved, it was their opinion that the earl of Strafford did deserve to undergo the pains and penalties of high treason by law. The judges, indeed, had incurred the resentment of the commons by their decision with regard to ship-money; and it is probable that a fear of the lower house had disposed them in some degree toward this conclusion:—that displeasure of the crown, which had too often proved sufficient to move those functionaries from their integrity, being at this juncture a much less formidable matter than the displeasure of the commons. But they judged of treason by the notions of their times; and so much weight was attached by all parties to their decision in this case, that it may be said to have contributed more than any other circumstance to the death of Strafford.

While the accusation was pending in the lords, Charles presented himself to the house, and commanding the attendance of the commons, declared that to condemn the earl of high treason was an act with which his conscience would never allow him to concur; but that with almost any course of proceeding short of that extremity he was willing to com-

ply. The commons complained loudly of this interference with a measure still before parliament, as a breach of privilege; and the greatest alarm was manifested, both by the popular leaders and the people generally, lest some mitigated sentence should be passed, which might possibly be followed, on the first cessation of parliament, by a return of the great delinquent to power*.

It was under the influence of such fears that the commons had just now altered their course of proceeding from a regular impeachment, which required the lords to judge of the guilt or innocence of the accused by the strict rules of law, to a bill of attainder, which called upon them to determine that question without regard to the artificial difficulties which the legal mode of proceeding might present, by adopting a species of enactment for the purpose, in virtue of their high authority as at once the supreme legislature and judicature of the land. The patriots were particularly careful to affirm that this change had not been resorted to because the crime of treason had not been proved, but because the mode of proceeding was more simple and summary than the former, and supported by the clearest precedents.

Nor was it without reason that the commons looked upon the delays which attended this measure as pregnant with danger. Charles had privately assured the prisoner, more than once, that his life should be spared; and, in pursuance of this promise, had approved of plans devised to effect his escape from the Tower. He had also assented to the project of parties who proposed to excite a jealousy of the Scots among the English soldiers in Yorkshire, and by marching the latter to London, to intimidate the parliament, and restore the royalists to their ascendancy. Both these schemes had been attempted; and both had become known to the leaders of the commons, and had been frustrated by their vigilance and promptitude, before the houses were called to listen to the speech of the monarch which told them that he could never be consenting to the death of the accused minister †.

This assurance was addressed to the two houses on Saturday, the 1st of May; and so great was the popular excitement during the ensuing week, that the removal of Strafford seemed to be as much the demand of the capital and the nation, as of the house of commons; and on the following Saturday it was voted by the lords, upon a division of twenty-seven against nineteen, that the prisoner deserved to undergo the pains and forfeitures of treason. About eighty peers had attended the previous trial‡.

* This was the reason stated by Essex to Clarendon as that which determined the commons to be satisfied with nothing short of capital punishment. Hist. i. 242.

† Rushworth, iv. 238, 252—257. May, 65, 66. Dalrymple's Memorials, ii. 114, 119. Whitelocke, 43, 44. Nelson, ii. 272. The Tower happened to be in the hands of Balfour, a covenanter, whom no bribe could affect.

‡ On the Monday morning, "a rabble of about six thousand out of the city came thronging down to Westminster with swords, cudgels, and staves, crying out for justice against the earl of Strafford. This multitude was very rude to some of the lords, and they posted up at Westminster the names of all those members of the

The assent of the monarch was immediately solicited in the name of both houses ; and Charles promised that his answer should be given on Monday. During the whole of the Sunday which intervened his distress was extreme. He consulted the judges on the law of the case, and the prelates on the matter as it affected his conscience ; of the latter, one only, bishop Juxon, advised that he should obey his conscience, and be no party to a punishment which he did not believe to have been deserved. But at the close of the day the king listened to those who spoke of the evils which his refusal might bring upon his family and his people, and sealed the fate of his minister by placing the royal signature to the instrument for his execution.

But that act brought the king no tranquillity. On the following Tuesday he sent a letter to the lords by the hands of the young prince of Wales, still urging, that the two houses would be satisfied with the penalty of perpetual imprisonment in the place of death. But the next morning had been already fixed for the earl's execution ; and even a reprieve until Saturday was not to be granted. On that morning, more

May 12. than a hundred thousand persons assembled in the neighbourhood of Tower Hill : they witnessed the proceedings with respectful silence, and Strafford conducted himself with his wonted dignity to the last ; but in the evening bonfires were kindled, and the whole city was a scene of rejoicing*.

In the course of his trial Strafford employed much forcible reasoning in support of his claim to be dealt with according to the course of justice as prescribed by the law ; and he also made his appeal on that ground to some of the best affections of the heart with great eloquence and apparent feeling. We have not dwelt upon these incidents ; and we have not done so, because, although we would not in anywise affirm that the grossest violation of the law should be allowed to deprive an offender of the utmost protection to be derived from them, yet the defence made by Strafford shows him to have been capable of taking so just and so enlarged a view of the principles of law and liberty, that we have never been able to regard it in any other light than as a singular aggravation of his general delinquency. No man in that meeting of the great minds of a great nation, could expose more clearly the evil of allowing the fortunes of subjects to depend on any power apart from

house of commons who had voted for the earl, and called them 'Straffordians.' This was brought before the house by some whose names were in that list, as a high breach of privilege ; but nothing was done in it, as being the act of a multitude. Whitelocke, 43.

* Strafford, on learning that the majority of the lords had passed the bill of attainder, wrote to the king, releasing him from his promise, and urging that his life might not be suffered to occasion the want of affection between the king and his people ; but when the news that Charles had really consented to his death was communicated to him, the earl raised his eyes in astonishment, and laying his hand on his heart, exclaimed, "Put not your trust in princes, nor in the sons of men, for in them there is no salvation." Whitelocke, 44. Warwick's Memoirs, 176—180. Rushworth, iv. 267—269 ; viii. 761.

the supreme authority of the law; but while he thus spoke, he knew full well that no other man had done so much, and, for a time, with the greatest confidence of success, towards depriving a whole people of that regular and defined justice which they had received by enactment from the generations of their fathers, and toward substituting the caprice of a single will in its place.

Strafford was charged with having spoken certain words which were interpreted as treasonable. "Shall words," he replied, "spoken by way of argument, in common discourse between man and man, when nothing has been done upon them—shall such bare words be brought against a man, and charged on him as high treason? God forbid that we should ever live to see such an example in this kingdom. If words spoken to friends in familiar discourse, spoken in one's chamber, spoken at one's table, spoken in one's sick bed, spoken, perhaps, to gain clearer light and judgment by reasoning—if these can be brought against a man as treason, all intercourse, all confidence, all the comfort of human society are destroyed. Henceforth, let no man venture to impart his solitary thoughts to his friend or neighbour!" This is not more eloquent than just. But who does not know that this exact species of political injustice, at which the prisoner seemed to stand aghast, had been carried to its utmost limit in his own conduct toward the earl of Mountnorris? It was this which provoked St. John to say, that "He who would not allow others to have law, ought not to have any himself;"—a sentiment exceedingly to be reprobated, though less liable to censure, on account of the circumstances mentioned, than it would otherwise have been.

With respect to the justice of the sentence executed upon Strafford, our views relating to it will depend on the conclusions ^{Observations} we may adopt on two questions:—first, whether upon ^{on his case.} very rare emergencies a state may not justly pass a retrospective act to visit an offender with the punishment which it deems him to have merited; and secondly, whether the case of Strafford was one calling for this extraordinary expedient? Those who take the negative of the first of these questions do so on the ground that no action should be treated as punishable which some law has not previously defined to be an offence; and that this, which should be the case in all instances, should be so especially in cases of treason, the penalty there being so severe. All punishment, it is added, is inflicted as a warning; but warning there cannot be where it is inflicted by an act which itself determines the guilt of the offender. But to the first of these objections it is replied, that applicable as such reasoning is to proceedings in the ordinary courts of law, it is not to be applied with the same strictness to the judicial conduct of the whole legislature, the decisions of that power being in all such cases peculiar to itself, and such as *can never become a precedent elsewhere.*

With regard to the objection from the alleged want of warning, which, in fact, is included in the preceding, if it be admitted that the first sufferer by a process of this nature may not have had all that warning which usually precedes the offence, this cannot be said when a precedent of this highly admonitory character has once been established. The first favourite or minister called to his account by this great act of the legislature, is set up as a beacon before all of his class who afterwards may be disposed to tread in his steps. It is very important that men who have so much power of good and evil at their bidding, should be made aware, that to wrong their country, though with a scrupulous observance of the forms of law, is conduct which that country may be found to have the means of punishing without regard to those forms, by thus assuming to itself its primitive functions, its original power and independence.

Nor is it correct to say that warning is the only end of punishment. The preservation of society from evils deemed inevitable without it is not to be overlooked. The form of proceeding by a bill of pains and, penalties, resorted to in particular cases, even in seasons of comparative tranquillity, is the same in its principle with an act of attainder; and objectionable as measures of this sort have almost always been, especially in later times, since the powers of parliament, and the whole province of the law and of its administration, have become so much more definite and effectual, yet few will hesitate to admit, that in our earlier history much less danger was to be apprehended from the conduct of parliament when exercising its high arbitral jurisdiction in such cases, irrespective of the strict forms of law, than there would have been in its stretching the acknowledged statutes of the realm beyond their due compass for the purpose of making them include such cases;—an evil course, be it remembered, which every victim of a state prosecution in our previous history had reason to expect.

In the case of Strafford this course was chosen for the manifest purpose of visiting him with capital punishment. Was this extreme course really necessary? It is thought by many that his degradation from his ill-acquired rank, and his perpetual imprisonment or exile, would have been sufficient to protect the affairs of the country from being in the smallest degree influenced by him in future, and that this extent of punishment, to which the king would have assented, and which the lords would have awarded almost unanimously, would have furnished an example of retribution sufficiently instructive and memorable. And it is perhaps to be regretted that the commons should have shown themselves so much indisposed to this more moderate policy. Looking back to that period, aware as we now are, not only of the great unpopularity of the prisoner everywhere, but of the very uncertain footing on which he stood at court, and of the little hold which he really possessed on the esteem or affection of the monarch, we may feel satisfied that this course might have been pursued with safety.

But the men who lived amid the rumours, the agitations, and the real dangers of that season, must not be regarded as capable of looking on these things with the calmness of distant spectators. They could not place confidence in any promise from the king; they knew that in history, favourites and ministers, thrust from the royal presence to-day, had sometimes returned on the morrow, to scorn and tread down the enemies of their ascendancy; and when they remembered also the long time through which they had seen bad ministers retain their power, at one period in the face of all the remonstrances which parliaments could present, and again in heedlessness of the complaints which arose from an injured people who were denied their parliaments, they appear to have concluded, and with a confidence which nothing could move, that their liberties would never be secure until some terrible example should be given of the fate which the instruments of arbitrary power might in future expect; and among all living men, no one was deemed so justly deserving of this bad eminence as the earl of Strafford.

Nor were his prosecutors ignorant, that with his party this severity would raise him to a species of martyrdom—that many who were by no means his admirers were not disposed to proceed so far—and that a sympathy with his fate, which would not otherwise exist, might thus be excited among the men of that time, and of later times. But these considerations were all outweighed by the recollections which placed the delinquent before them as the betrayer of the liberties of his country, as vested with the pomp of rank and office in return for that betrayal, and as employing the powers of his high station to subdue a free people by the force of terror, and to gratify his imperious and selfish passions by subjecting the living and the unborn to the humiliations and the wrongs of servitude. It was when the conduct of Strafford was thus viewed, that the heart of these men, still hardly conscious of their escape from the fangs which had been upon them, seemed to lose all pity, and to call, as with the indignation of natural instinct, for an infliction of the heaviest penalties ever resorted to in defence of social order, as alone proportioned to the guilt of such high acts of treason against it. Men who are bold enough to place themselves in the path of these revulsions from injured humanity, have their standing in slippery places; and their fall, even when their blood flows upon the scaffold, is an act of retribution which the voice of religion and of all nations has approved as just and holy.

We would not be held responsible for everything said or done by the prosecutors of Strafford, though most of the censures passed on the manner in which their process was conducted are founded very much in ignorance of the law and the practice of those times*. But still less

* Thus it is alleged, that in cases of treason the law required the evidence of two witnesses, and that rule was departed from in the case of Strafford; but it is certain the judges had often declared the contrary to be law; nor is it easy to find a single instance in which the benefit of that rule had been allowed to such offenders. It is also matter of complaint that Strafford's counsel should have been allowed to

would we mean to join with those who, beside complaining of the haste and severity too much observable in the temper of the commons, denounce their object as being revenge rather than justice, describing them as more concerned for the strength of their party than for the good of their country. It would perhaps have been wiser to have been content with a mitigated penalty; but their proceeding further, all things considered, was neither unnatural nor unjust. The children of the sufferer were losers both of the rank and property of their parent by the act of attainder,—but these were reserved to them by a bill passed immediately for the purpose, an instance of lenity shown in such a case for the first time in our history *.

CHAPTER VII.

Character of proceedings in the Long Parliament from this period—King's visit to Scotland—Massacre in Ireland—The Incident—Affairs of England during the King's absence—Schism among the Parliamentary Leaders—The King entertained by the Citizens—Alarm of the Patriots—Remonstrance of the Commons—Distrust of the King—Impeachment of the Bishops—Impeachment of the Five Members—The King enters the House to apprehend them—Triumph of the Parliament—Claim respecting the Militia—Attempt of Charles on Hull—The Nineteen Propositions—Petitions to the Parliament—Conduct of the Queen—Insincere declarations of the King—Siege of Portsmouth—The Royal Standard raised at Nottingham—Justice of the Civil War considered.

We have now arrived at that point in the history of the Long Parliament when its proceedings begin to be of a mixed character; Character of proceedings in the Long Parliament from this period. not often, indeed, so censurable as its enemies represent, but too frequently of a complexion not to be justified without conceding much in favour of its leaders on account of the circumstances in which they were placed.

The fate of Strafford not only tried the strength of the two great parties, but certainly drew the patriots close upon the line which separates between the lawful and the forbidden ground. In the judgment of their opponents, the object of the popular leaders on that occasion was not accomplished without passing the sacred boundary; and it is certain that two evils, which became the parents of many more, were consequent upon their success:—the king became more difficult to reconcile, on account of the necessity which was thus laid upon him to become accessory to the death of a servant of the crown whom he did not believe to be worthy of death; and, at the same time, the great patriotic party,

speak to points of law only: but the fact seems to be generally overlooked, that it was not until after the trial of Middlesex in 1624, that the aid of counsel at all was permitted to persons on their trial upon such charges.

* Rushworth, iv. 284. The eighth volume of Rushworth's collections is wholly occupied with the trial of Strafford, and should be compared with the account given in the third volume of the State Trials.

which had been upon the whole agreed in their estimate of the past, and with regard to the measures necessary for the future, began to show signs of discord.

These indications of disunion were magnified in the eyes of the court and of the monarch; and by exciting hopes in that quarter, in a great degree ill-founded, led to acts, both of intrigue and violence, which served to remove the prospect of a tranquil settlement of affairs to a greater distance than ever. It is admitted that there were instances in the conduct of the Long Parliament from this period, which discovered that its most patriotic members were capable of exercising the power that had fallen to them with somewhat of the irregularity which had been chargeable on the crown as its great delinquency; but along with this concession we must not overlook the unusual posture of affairs which was viewed as making those acts just or indispensable; nor can we forget, that to the actors themselves England is indebted for that acquaintance with the principles of freedom, and that high estimate of their worth, by which it has been distinguished, and without which the most admirable constitution that philanthropic wisdom could devise must prove altogether valueless.

The death of Strafford was followed by the king's visit to Scotland, where the monarch gave his sanction to various measures. The king's visit to Scotland. which seemed to promise the return of tranquillity to that country. But it was during the period of this visit that much alarm was diffused through both kingdoms by the massacre of the protestants in Ireland, and by a court intrigue in Scotland, known by the name of the "Incident."

In the commotions which had spread through Scotland and great part of England, there had been little devastation, and a careful avoidance of all unnecessary bloodshed. But the insurrection in Ireland was altogether of another character. It had been provoked principally by the tyranny of Strafford, raging most in those quarters where his rapacity had been chiefly exercised; but must also be traced to those laws against the catholic worship, any relaxation of which was more strongly opposed by the majority of the protestant settlers than by the viceroy. The property of the English was everywhere destroyed or borne away. In Ulster the massacre was perpetrated without respect to age or sex, and often by a death of the most studied torture. Husbands and wives, parents and children, the infant and the man of gray hairs, were laid prostrate together. Those who surrendered perished, and those who resisted were often beguiled into submission by the most perfidious promises; while some were induced to destroy their nearest connexions as the price of their own escape, and then were themselves immediately numbered with the victims. Some were buried alive, hundreds were drowned, and many were consumed with the flames of their habitations. The women were

more ferocious than the men—such was the effect of the superstitious madness that raged; and so contagious was it, that even children were found to thirst for the blood of children. The only protestants who proved capable of acting with sufficient promptitude and concert to protect themselves against the savage hordes who traversed the country, were the Scots, who fled to the places of strength in Ulster. The number of the murdered was said by some catholic writers to have been two hundred thousand, and the accounts vary from that amount to less than four thousand. Clarendon, whose means of information were of the best kind, and whose inclinations in this case would not lead him to exaggerate, fixes the number at forty thousand.

It was well known that Charles had hoped to control his opponents in the English parliament by means of the army which Strafford left in Ireland, and that with a view to this object, an active correspondence had been maintained with those who were either parties to these outrages, or should have prevented them. The insurgents everywhere gave out that they acted by the royal authority, the destruction of the puritans being as necessary to their own religious liberty, as to the freedom and power of the crown. The court at the same time manifested every disposition to throw discredit on the reports of these excesses: the jealousies of the king retarded the measures necessary for sending the required assistance; and the monarch who had not been slow to denounce the Scots as traitors when they appeared in arms, discovered much reluctance to do so in the case of the authors of such atrocities in Ireland*.

With this event, which served from these circumstances to increase the popular distrust of the king, the “Incident” was connected, which embraced some mysterious occurrences tending to excite still further suspicion. In the recent proceedings of the Scottish parliament, Hamilton had divided the popularity of its measures with Argyle, but had fallen in the esteem of his sovereign as he had risen in that of the people. These noblemen were informed that a plot had been laid for their destruction:—it was, that on going to court that evening, they were to be arrested as traitors, and sent prisoners to a vessel in the roads; or be assassinated, if resistance were made. They remained at home after nightfall instead of going to the conference at court, and adopted means to protect themselves against any attack that might be made upon them. The night passed in quietness; but their alarm the next day was much increased on learning that the king had gone to the parliament with the unusual retinue of five hundred armed men. That no tumult might ensue from any fray between the king’s attendants and their own followers, who

* Rushworth, iv. 398—563, *passim*. Temple’s History. May, 81—87. Carte’s Life of Ormond, i. 244 *et seq.*; iii. 49 *et seq.* Clarendon, Hist. ii. 19—23. Hutchinson’s Mem. i., *ubi supra*.

were highly irritated, both retired to Kinneal, a seat of Hamilton's brother. The king complained of rumours injurious to his character, which this retirement of the noblemen must serve to strengthen, and an investigation was appointed.

It appeared that the plot was not altogether imaginary. The earl of Montrose, whose jealousy of Lesley, Argyle, and Hamilton, led to his defection from the band of the covenanters, had been cast into prison on account of his detected intrigues against his former friends. When Charles came to Scotland, Montrose contrived to communicate to him his accusations against Argyle and Hamilton, declaring that he had been acquainted with particulars respecting both from the beginning of the rebellion, which very nearly affected "the footing of his crown," which particulars he was prepared to prove before parliament; but suggested that the removal of both by assassination, a work which he was himself willing to accomplish, would be the most expedient mode of procedure. How far Charles proceeded in this affair is uncertain; that he intended the arrest of Argyle and Hamilton is unquestionable; and it is hardly doubtful that he hoped, by means of the information to be obtained from Montrose, to be able to convict, not only certain nobles in Scotland, but some of their powerful confederates in England, of treasonable correspondence*.

And while these occurrences in Ireland and Scotland afforded new grounds for suspicion to the popular party in the English parliament, the course of affairs in this country was not such in all respects as to strengthen their confidence with regard to the success of their plans, nor even as to their personal safety. While the issue of the proceedings against Strafford was undetermined, it had been recommended, as the only means of saving the life of that minister, that Charles should consent to receive some of the popular leaders to his councils; and the monarch, after rejecting the proposal in the first instance with disdain, condescended at length to listen to it, and negotiations were accordingly commenced. But the sudden death of the duke of Bedford, and some other circumstances, prevented the adoption of this expedient at that juncture; and during the interval from the death of Strafford to the return of the king from Scotland, the course of things tended rather to embarrass than accelerate the accomplishment of the objects contemplated by the patriots†.

The great power of the commons, which the late changes had rendered so evident, began to produce both envy and alarm among a con-

* Burnet's Memoirs, 186. Baillie's Letters, i. 330; ii. 299. Hardwicke Papers, ii. 299—303. Clarendon, Hist. ii. 16—19. App. A.

† Clarendon, Hist. i. 445, 446. In virtue of the above arrangement, St. John, the most relentless enemy of Strafford, was appointed to the office of attorney-general, and acted in that capacity. The earl of Essex also became lord chamberlain.

Affairs in
England dur-
ing the absence
of the king.

siderable party in the upper house ; and it became the resolve of that party, and of a formidable body among the commons themselves, to oppose any further concessions from the throne. Charles not only watched this new feeling with much interest, but made his private overtures to some considerable persons who shared in it, particularly Colepeper, Falkland, Hyde, Essex, and Digby, for the purpose of detaching them more completely from their former associates. While this schism was spreading among the parliamentary leaders, there were circumstances which concurred to diminish the authority of that assembly with the wiser portion of the people. The religious feeling of the populace began to assume a licence which shocked the more sober spirits of both houses ; nor was it deemed prudent to attempt placing it under any severe restraint. The historian of the Long Parliament relates, that the people not unfrequently applied themselves to the work of reformation without authority, order, or decency : rudely disturbing the church service during the reading of the common prayer, and destroying books, surplices, and such things. Added to which were the daily reports of religious meetings, where the preachers were tradesmen and illiterate persons of the lowest rank ; and as the leading clergy had been much busied of late in laying taxes on the commodities of these tradesmen, this invasion of their own sacred, but much-neglected province, by dealers in leather and soap, was adverted to by many as an amusing process of retaliation. The same writer remarks, that the patriots, by charging the king with an inclination towards popery which could not be proved, had taught many to distrust them when intimating their belief of his unfriendliness to the liberties of the country, so that the cry against popery, while it gained adherents among the populace, created opponents among the more reflecting *.

On the king's arrival in London, another circumstance occurred which tended to raise the hopes of the monarch, and to excite the fears of the patriots. As Charles approached the metropolis, he was met by the mayor, the sheriffs, and many of the most considerable citizens in procession ; and after dining publicly at the Guildhall, he retired amidst the acclamations of the people. This event was hailed by the court party with manifest delight, and it was given out very assiduously, that the city had become weary of the dilatory proceedings of the parliament, and would be found ready to join the king in putting an end to it. This report, indeed, was not well founded, but, accompanied by some appearance of truth, it was not circulated in vain †.

* Clarendon's *Life*, i. 82 *et seq.* May, *Hist.* 75—78. Whitelocke, 46. Baillie, i. 246, 247.

† May, *Hist.* 88. Clarendon's *Hist.* ii. 62, 63. Rushworth, iv. 429—431.

Whatever bespoke the returning power of the king gave new strength to the apprehensions of the men who had incurred his displeasure. Charles had now yielded for some time to the ^{Alarm of the} popular party. stream, but it had not been without visible reluctance; and few men could doubt, that were he possessed of the power, he would not be at a loss for the casuistry, with which to undo at pleasure whatever he had done under constraint*. Through this reign and the last, the men who exposed themselves to the displeasure of the government by their conduct in parliament, had been called almost uniformly to suffer from the resentment of the court as soon as the houses were dissolved; and the present leaders of the commons were sincerely apprehensive that the hand of no common oppression might descend upon them if suddenly reduced to their private capacity. One of the last acts of Charles before going to Scotland was to sanction a second project for bringing the army to London to overawe the parliament†.

This fear of the consequences which might be found attendant on a sudden dissolution, had led the parliament to introduce a bill which, in three days, placed it in a state equally independent of the crown and of the people, by declaring that it should not be dissolved without its own consent. This bill was passed amidst the excitements which attended the condemnation and execution of Strafford. That there was neither law nor precedent to be urged in its favour is unquestionable; and how far the circumstances which were pleaded as requiring it were such as to justify the adoption of it, is a point which will be variously judged. But it was certainly an act which placed the parliament before the king as governed by men who were sensible of having gone too far to recede, except upon terms which they might deem sufficient for their safety, and who were resolved that the energy which had recovered their rights, should not be wanting in the effort to defend them.

It was to strengthen the security derived from this measure by preventing any dangerous reaction in the public mind, that the commons prepared the memorable Remonstrance which ^{Remonstrance} they presented to the monarch on his return to England. ^{of the par-}liament. The purport of this address was to set forth the many evils which had resulted from bad government ever since the king's accession, together with such remedies as had been, or remained still to be applied. Charles could not fail to see from this paper, that a resolution had been formed by the popular party in the commons to leave no matter that might affect the vital liberties of the kingdom

* Clarendon, ii. 251, 252; where it appears, that according to the reasoning which prevailed at court, whatever had been procured from the king by force was "in itself null."

† Husband's Collections: examinations of Legge, Ashley, Coniers, &c. &c. Clarendon, Hist. i. 264—275. Clarendon endeavours to soften some of the most considerable matters of this plot, but admits enough to show that the alarm and complaints of the popular party were not without foundation.

subject to his immediate control. Its discussion called forth one of the most ardent and protracted debates in the history of parliament; and the difference of judgment which existed in that assembly with respect to it, still exists. What the one party described as necessary to convince the king of the great inexpediency and injustice of the policy which his ministers had pursued, and so to bring him back to better courses, was denounced by the other as only tending to irritate his already wounded feelings, and to lower his reputation both at home and abroad. The remonstrance was at length carried, but it was by nine votes only. Thus sanctioned, it was printed under the direction of the house, and was extensively circulated *.

There had been so many instances of duplicity and intrigue in the conduct of the monarch, while many of his actions, from the mystery which attached to them, supplied so wide a field for conjecture and alarm; and so many also were the rumours of change and retribution which proceeded almost daily from the court, and even from the chamber of royalty, that if the patriots meant to be safe themselves, or that men treading in their steps should be safe, it behoved them not only to retain the most jealous hold on what they had gained, but to guard those acquisitions, if possible, with yet stronger securities. But from these causes it happened, that in the effort to provide against dangers arising from the personal character of the existing sovereign, the permanent claims of the monarchy, as a branch of the constitution, were almost overlooked. Hence arose the claim, so deeply offensive to the king, respecting the command of the forces. This power had been hitherto vested in the crown; it was now urged that it should be placed in the hands of the parliament †.

It was soon after the king's return from Scotland that the bishops sent a paper to the upper house, stating, that in consequence of the violence with which they had been threatened by the populace, it would be at the hazard of their

* See the paper in Rushworth, iv. 438—451; and the answer to it by Clarendon, Life of Clarendon, i. 85—87. So far were the popular leaders from regarding their position as placing them beyond any danger from the resentment of the king at this moment, that on the conclusion of this debate, Cromwell assured Falkland that he would have sold all and left the kingdom had not the remonstrance been carried. Ibid. *ubi supra*.

† Rushworth, iv. 516. Clarendon, Hist. ii. 76—80. About this time lord Falkland accepted the office of secretary of state, and sir John Colepeper that of chancellor of the exchequer. Hyde and Digby were already viewed as lost to the popular cause. Ibid. 93—99. But the apprehension with which these secessions were viewed, was somewhat checked by the confidence still reposed in the character of Falkland, and was much less than was excited by the conduct of the king in removing Balfour from the office of lieutenant of the Tower, to make way for Lunsford, a man regarded by the parliament as capable of any act of hostility against them, and placed there for the undoubted purpose of employing his authority "as a bridle on the city." Ibid. 80—82, 122, 123. Clarendon, in giving up the character of Lunsford, puts the blame of his appointment on Digby, as being the only person about the king to whom he was known; but Digby states that he had never exchanged twenty words with him. Nelson, ii. 365.

lives to attempt to occupy their place in parliament, and concluding with a protest against the transaction of any business during their absence. The bishops were hardly more acceptable to the commons than to the mobs of the metropolis, and this somewhat pardonable show of authority was immediately seized by their enemies as a ground for the most solemn proceedings against them. It no sooner came before the lower house than the doors were closed. It was then argued that the prelates might choose to attend in their place or not to attend; but that to rest the validity of proceedings in parliament on the fact of their being parties to them, was, in fact, to make the existence of a legislature dependent on their pleasure. On this ground the conduct of the bishops was voted to be an assumption of kingly power, and they were forthwith impeached of high treason. Those who were prepared to apologize for their conduct were dismissed; but the greater number were given in charge to the usher of the black rod, and some were committed to the Tower. To save the bishops as an order in the church, Charles was at length obliged to give his assent to a bill which excluded them from their ancient connexion with the parliament of the realm; but this was among his latest acts before appealing to the sword*.

Four days only had passed since the impeachment of the bishops, when the king determined to show that he could be as ^{Impeachment} fearless as the commons in support of his plans. It was ^{of the five} rumoured, we are told, that the commons meant to im- ^{members.} peach the queen; and this report operating, it is said, on the fears or the resentment of Charles, contributed to the adoption of a measure which became the topic of much lamentation with his friends, and of loud complaint with his enemies. The attorney-general was instructed to present himself at the bar of the upper house, and to prefer the charge of high treason against lord Kimbolton, Pym, Hampden, Hollis, Haselrig, and Stroud, all well-known opponents of the court, and men who had been so far observant of events as not to be greatly surprised at this proceeding. The only article in the charge brought against them, to which any legal importance could be attached, was that which referred to their correspondence with the Scots in their recent invasion of the kingdom. But a little sense of honour should have taught the king, that supposing this part of the accusation presented by his attorney to have been well founded, every such offence had been covered by his own act of oblivion. The lords, instead of immediately committing the persons accused, appointed a committee to search for precedents. The case of those persons, indeed, did not belong to the peers, but to the courts of law. Charles, however, was in no temper to brook delay, and he instantly

* Clarendon, Hist. ii. 113—121. Charles was influenced in giving his assent to this measure by Colepeper and the queen, who saw no other means of rejecting the claim of the commons with respect to the militia. Clarendon's Life, i. 98—100.

dispatched the serjeant-at-arms to the commons to take the parties impeached into custody. The house resisted, and answered, that the point was one requiring deliberation, but that the due appearance of the five members might be relied upon.

The conduct of the king in proceeding even thus far on the grounds which he alleged, was fraught with material danger to his objects, if not attended with signal success ; but such was the judgment which Charles had formed of the reaction which was said to have taken place among the people, that on the following morning he proceeded to the house, followed by three, some say five hundred armed men *. The men remained at the door, which was left open, but the king, attended by his nephew, the prince elector, entered. The monarch ascended the steps by the speaker's chair, and having glanced round the house in search of the persons impeached without discovering them, he inquired of the speaker if they were present. That officer discovered a presence of mind suited to the occasion : falling upon his knees before the king, he replied, " I have, sir, neither eyes to see, nor tongue to speak, in this place, but as the house is pleased to direct me, whose servant I am. And I humbly ask pardon, that I cannot give any other answer to what your majesty is pleased to demand of me." Charles expressed his regret that " the birds had flown," and informed the house, that he intended proceeding in this affair according to law, adding, that in cases of treason their place there could afford them no privilege. Such a scene the history of parliament had never exhibited. The ominous silence with which the speech of the sovereign was heard, was broken by the yet more ominous sound of " Privilege ! privilege !" which rose into loud murmurs as he returned towards the door.

This act was the first of an intended series by which the king hoped to crush the power of the parliament. It was a failure, and all failures are spoken of as unwise ; but its success was regarded as highly probable, and certainly there was enough in the fluctuation which marked the popular feeling, and in the altered state of parties in the two houses, to make such an issue by no means impossible. Only three days before the king brought his three hundred armed men to the doors of the lower house, a guard had been solicited from him to protect it against " the insolence and menacing" of its enemies, and solicited in vain †.

* This force consisted of the king's usual attendants, and principally of officers who had served in the army recently disbanded. These persons, while waiting without, indulged in expressions which showed, that had the five members been present, any resistance by the members for their protection would have been followed by a general conflict ! " Pox take the house of commons !" was the language of some of these worthies ; " let them come and be hanged—what an ado is here with the house of commons !" The question, " When comes the word ?" passed from one to another ; and when asked, during the investigation of this business, what that question meant, the answer was, that had the word been given, " they should certainly have fallen upon the house." Rushworth, iv. 484—486.

† Clarendon, Hist. ii. 124—129. Rushworth, iv. 473—479. May, Hist. 90, 91

During the following week parliament was adjourned, and much was done to render the failure of the monarch in this bold enterprise subservient to the popular cause. Before the adjournment, the two houses had been frequently surrounded by mobs, who sought to intimidate the opponents of their favourite objects by their numbers and their shouts. Armed men also had paraded the streets, some professing to be the protectors of the courtiers, and others of the parliament; and these, as they met, had proceeded to blows, and sometimes to bloodshed. A large body of the students from the inns of court offered themselves as a guard to the royal family, and were kindly received by the king and queen *. But after the attempt to seize the five members, the apparent balance of parties, which had prompted the king to hazard that exercise of his power, ceased to exist. On the day when the parliament re-assembled, the impeached members were seen passing toward Westminster in boats, attended by two thousand seamen bearing arms, and by select companies from the train bands, who brought several pieces of cannon along either side of the river. Hampden, on landing with his colleagues, was greeted with the cheers of four thousand horsemen from Buckinghamshire;—who chose this mode of testifying their confidence in the political integrity of their representative. The shouts of the populace, which had been no novel sound of late, were animated on this occasion by the peals of martial music, but the letting off of fire arms was prohibited. The humiliation of royalty, indeed, seemed to be complete. But from so great a discomfiture it was not difficult to augur some return of feeling in its favour. Charles avoided the spectacle and rejoicings of that day by shutting himself up at Hampton-court†.

The contradictory language of Clarendon on this subject justifies the conclusion that he looked on the conduct of the king rather as a failure than a weakness. Had the members been arrested, and decidedly dealt with as prisoners, "the high spirit of both houses," he remarks, "might possibly have been so dejected, that they might have been treated with." Even their assassination "might have had a wonderful effect," a course of proceeding said to have been recommended by Digby. *ii.* 390, 391.

* Clarendon, *Hist.* II. 86—93. In these frays originated the terms *roundhead* and *cavalier*,—"they who were looked upon as servants to the king being then called *cavaliers*, and the other of the rabble contemned and despised under the name of *roundheads*." *Ibid.* The latter were so called from their short hair, long hair being confined to persons of some fashion and condition. Charles went into the city the day after his attempt to seize the members, professedly to search for them, but really to do what was possible toward allaying the fears and indignation which his conduct had excited. His condescensions failed to conciliate. As he passed through the streets, some of the people cried aloud, "Privilege of parliament!" and one man threw a paper in the royal carriage, with the following words written on it: "To your tents, O Israel!" language which was interpreted as that of open rebellion. The man was committed and prosecuted. Charles is described as overwhelmed with sorrow on account of this proceeding—(Hume, *ubi supra*)—but it is certain, that the few signs of sorrow discovered by him had respect to this result, and not to the measure itself. *Ibid.* 131. May. *Hist.* 93, 94.

† Rushworth, IV. 483, 484. Nalson's Collections, II. 830—832. To show how willing the parliament was to make the most ill-founded rumours the ground of tyrannical proceedings, Mr. Hume remarks, that "Lord Digby having entered King-

But the two great parties continued to exercise their utmost vigilance, each in the hope of counteracting the policy of the other. The spies of the king still apprized him of the proceedings in the different committees of the commons; and the patriots, in their turn, contrived to acquaint themselves with the most secret purposes of the sovereign*.

Charles, aware of the narrow limits to which his power was now reduced, proposed to drop the prosecution which he had commenced, and to extend a general pardon to the impeached members. But his opponents replied, that pardon supposed guilt, which in the present case did not exist†. The king could do no wrong; and was not in consequence personally liable to any censure on account of his late infringement of the liberties of parliament; but if that step was taken by the advice of others, the authors of that advice were not thus exempt from responsibility, and the names of those advisers were for this reason demanded. But the king refused to mention his councillors in that act, and it is probable that whatever blame attached to it belonged properly to himself‡.

The great demand of the parliament at this moment was one which had been previously urged, but one which it could not be expected that the king would entertain, unless under the constraint of some hard necessity. It was, that the command of the army and navy, and the possession of the forts of the kingdom, should be entrusted to persons nominated by the parliament. The use which the king might some day make of that power had just appeared; and many who regarded this proposed encroachment on the prerogative when first named, as an extravagance entertained only by weak men, now concurred with it as necessary, if the liberties obtained by the present parliament were to be secured. Charles, on the other hand, was not without reasonable ground of apprehension, that this marked inroad on his power would be followed by others, deeply affecting him as a man and a sovereign.

ston in a coach and six, attended by a few livery servants, the intelligence was conveyed to London, and it was immediately voted that he had appeared in a hostile manner, to the terror and affright of his Majesty's subjects, and had levied war against the king and kingdom." The party at Kingston consisted of some two hundred officers, who had been lately disbanded; at that place was the magazine for the county of Middlesex; ammunition and arms were arrested on their way to the party assembled there, and the visit of Digby was with a message from the king, accepting the proffered services of those military personages. Even these facts may not fully warrant the extreme proceeding of the commons. But surely the mention of them is strictly necessary to "the whole truth." Clarendon, Hist. ii. 171. Nalson, ii. 865. Whitelocke, 54. Parl. Hist. ii. 1036, *et seq.* Husband's Collection, 202, *et seq.* Journals of the Commons, ii. 373—379. According to Clarendon, the most odious man in the kingdom, at this moment, to the popular leaders was Lord Digby.

* See the pliancy of Clarendon's conscience in this respect, as disclosed in his Life, i. 77—113. To act the spy for the king was deemed honourable, to do so for the parliament was infamous.

† Rushworth, iv. 484—494.

‡ Clarendon. Hist. ii. 133. Clarendon indeed imputes this act of the king to the advice of Digby.

The king at length resolved to make an apparent surrender of the command of the forces ; but a surrender connected with that sort of secret reservation, which there was too much reason to believe had gone along with all the concessions previously made. It was argued by the courtiers, that a measure evil in itself, could not be made to change its nature by the royal assent, and must, in consequence, be such as it would behove the king to recall as soon as the power to do so should be at his disposal. With this principle understood, it was agreed, that for the present the concession should be made ; but it was required, as part of the arrangement, that the persons to be nominated by the parliament should not hold their offices more than two years, and that a law should be framed making the authority of such functionaries to emanate from the crown ;—the *nomination* of the parties only being reserved to the parliament. This condition was viewed with distrust by the popular leaders, and was rejected. They appear to have thought that this clause would enable the king, in the event of a dissolution, to supply the place of the persons so appointed by others of his own selecting, under pretence of their being removable at the next meeting of parliament :—whereas the object of the commons was to secure this power strictly to the parliament, and by a method which would strengthen the necessity for a regular convening of such assemblies. An ordinance was at length agreed to by the two houses, in virtue of which fifty-five persons were chosen from their own body under the name of lieutenants, and placed in so many districts, to have possession of the forts, and to make the requisite provisions against invasion or rebellion*.

The papers issued from this time by the king on the one side, and by the parliament on the other, continued through several months to agitate the nation. Both parties were fully aware that the sword was about to become the arbiter of their disputes, and both were covertly employed in preparing for that event. Charles now began to avail himself of more judicious counsels. He placed particular confidence in Hyde, Falkland, and Colepeper, and the “ declarations,” in which his case was argued before the people, prepared principally by Hyde, did much service to the royal cause†. With his mind full of plans relating to the expected hostilities, Charles began another journey from London to York.

It was soon after his arrival in that city that the king made his memorable attempt to possess himself of the town of Hull, with its rich

* Rushworth, iv. 517—528. Clarendon, ii. 252, *et seq.*

† Rushworth, iv. 528—565. Mrs. Hutchinson relates of her husband at this juncture that “ he applied himself to understand the things then in dispute, and read all the public papers that then came forth between the king and parliament, beside many other private treatises, both concerning the present and foregoing times. Hereby he became abundantly informed in his understanding, and convinced in conscience of the righteousness of the parliament’s cause in point of civil right.” *Memoirs*, i. 147. But if the question of civil right was on the side of the parliament, the palm of literary excellence, and even of argumentative power, must be conceded the papers which appeared on the side of the king.

magazine. Sir John Hotham, the governor, became aware of the stratagem which had been devised for that purpose, and bearing in mind that his authority had been received from the parliament exclusively, and not at all from the king, he placed the town in a posture of defence, and refused to surrender at the royal bidding. The monarch threatened and intreated, but without effect. Before submitting to the mortification of a retreat, Charles ordered that Sir John Hotham should be proclaimed a traitor by sound of trumpet*.

This attempt, though a violation of his recent compact with the parliament, was one which few men, in the circumstances of Charles, would not perhaps have been disposed to make. It served to remove the thin disguise which had hitherto lain over his purposes, and its immediate consequence was to hasten the approaching crisis, and to enable his opponents to impute the necessity and the evils of that crisis to his conduct with a greater appearance of truth. Parliament described this effort on the part of the king as a breach of its privileges; the military stores of Hull were removed to London and lodged in the Tower; the train bands of the metropolis were placed under the command of general Skippon; the Earl of Warwick was created Lord Admiral, and the Earl of Essex Lord General with the command of sixteen thousand men. The king, at the same time, obtained assistance from a large portion of the nobility and gentry, from the two universities, and many of the clergy: and also from Holland, where the activity of the queen furnished important supplies of arms and ammunition †.

And now the dissension which had placed the king and the parliament at so great a distance from each other, extended itself to every town, and almost to every village, in the kingdom, producing bitter animosities, and frequent outrage. Humane men, on both sides, were much concerned to prevent the effusion of blood, and made earnest efforts to bring about a peaceable settlement. But the demands of the parliament had long been governed by resentment and distrust, and every day seemed to bring with it occurrences which tended rather to strengthen than allay those dangerous passions. The king also, amid the loyalty and submission of his subjects in the north, had become more confident of power than while exposed to the turbulence and revolt of the capital. It was also his impression—though, as events proved, a very mistaken one—that his condition as a sovereign was now so insignificant, that he had really nothing to lose by defeat, and nothing to hope except from victory‡.

Hence the conditions insisted on by both parties were such as neither would entertain the thought of accepting. The praise of moderation, judging only from the former power of the crown, seemed to be on the

* Rushworth, iv. 507, *et seq.*

† Ibid. iv. 569—612.

‡ Ibid. 723—735.

side of the royalists. But moderate counsels involved much *less hazard*, either to private persons or public interests, on that side than on the other; and admitting all that has ever been alleged with any appearance of truth against the parliament to this period of its history, there was no strict comparison to be made between the security afforded by the word of the two houses, and that to be derived from the word of the king.

Nineteen articles were submitted to the king as containing the terms on which the parliament was willing to negotiate. Some *The Nineteen Articles.* of these articles required that the great officers of state should be chosen by the two houses, and be removable, *June 2, 1642.* in case of improper conduct, by that authority; that the children of the royal family should be educated, and contracted in marriage, under the sanction of parliament; that the liturgy of the established church should be revised; that the Catholic peers should be deprived of their votes, and no new peers created without the consent of the legislature; and that the ordinance in which the parliament had asserted its claim to the command of the militia should remain in force until an act to the same effect should be passed*.

It must have been well known that Charles could not have given any sincere consent to such demands. But the popular leaders looked for their safety in his weakness, not in his sincerity. Strong, however, as the dislike of the king must have been to several of these demands, it was upon the one which had respect to the command of the militia that the principal difficulty arose. It was not unreasonable, in the circumstances of the age, that a revision of the liturgy should be required, nor that the education and alliances of the king's children should be brought within the cognizance of parliament. The interference of the two houses with the creation of peers, and with appointing the great officers of state, was much less easy to be borne. "But keep the militia," said Henrietta—"that will bring back every thing." And Charles so far thought with his consort on this point, that, when pressed to surrender that instrument of authority, he exclaimed—"by God, not for an hour†." The popular leaders were also of the queen's mind; and in order that the militia might not be employed to undo whatever had been done, they resolved on its being placed under their own control.

It was an evil inseparable from this state of affairs that appeals should be frequently made to the people, which, by calling the ignorant and the unreflecting into an undue prominence, *Petitions.* would lead to many scenes of popular extravagance. Until the death of Strafford, the unbroken power of the parliament so far predominated, that the court was restricted to private influence as the only means that could be wisely employed to interest the people in its favour. But the

* May, Hist. 124—127.

† Rushworth, iv. 538.

publication of the Remonstrance on the return of the king from Scotland, was the signal for resorting to more open and direct means, with a view to enlist the reason or the passions of the community on the side of the court policy. Both parties encouraged expressions of the popular sentiment in a manner which the more sober among them could not approve, and to which wise men could have been reconciled only by reflecting on the unhappy position in which both were placed. The petitions in which the people set forth their desires were generally in support of the measures adopted by the parliament; and by the enemies of the popular cause in that age, and in later times, no effort has been spared to exhibit those addresses in a light as objectionable and ludicrous as possible. As this class of petitions was unquestionably much more numerous than those presented by adherents to the court, it was natural that attempts should be made to shew that something beside numbers is necessary to constitute value.

Hence one popular writer has converted a petition from certain "poor artificers" of the metropolis into a petition from the "beggars." Among the different classes of petitioners from the capital were the apprentices. These were graciously received when addressing the upper house and the king. When approaching the commons, however, they are described as a body of persons who should have been discouraged from all such attempts. But a petition from a number of females, presented, it is said, by a brewer's wife, is the piece of folly, in this way, on which party ingenuity has been most lavish of its ridicule. It may be remarked, however, that the public conduct of women contributed something toward the temper and grandeur of ancient Rome, and that a metropolitan brewer is not necessarily a vulgar person. Pym told the females to go home and to convert their petitions to the parliament into prayers for it. Very good advice, one would think, on many accounts, but it is mentioned as a striking specimen of the "illiberal cant" with which these patriots sought to incite the people to civil war. With regard to the petition said to have been sent up by the porters, stating to the commons, that if they did not proceed with their work more speedily the petitioners would shortly take matters into their own hands, our acquaintance with the contents of that document is derived wholly from Clarendon, and the strict accuracy of his report may well be doubted. It is much to be regretted when apprentices and females are found thus out of their wonted places, as such movements must be the result of causes affecting the foundations of society; but we have sufficient evidence that petitioners of this class might have obtained flattering notices from the court, as well as from the parliament, had they been disposed to seek them*.

* Hume Hist. *ubi supra*. Mr. Brodie states that he searched with the utmost care in the journals for the petition said to have been presented by the porters, and, not finding it, he does not hesitate to describe it as one of Clarendon's fabrications. Hist. iii. 306—308. Mr. Hallam has shown that the petition is noticed in the jour-

The queen had always been regarded with much suspicion by the puritans, and the same feeling was often betrayed by the patriots. Her religion was not, in itself, the main ground of this jealousy. Her prepossessions were strongly on the side of arbitrary power; her temper was haughty, energetic, and active; and her influence over the mind of the king was known to be almost irresistible. Added to which, since the death of Buckingham, Henrietta had aspired to fill the place of that favourite, and few measures were adopted, or favours dispensed, without her knowledge and concurrence. It is to all these causes, which tended to place her in an invidious position with respect to very different classes of the community, that her unpopularity must be attributed. When Charles had resolved on making preparations for war, the queen was sent to Holland on the pretence of accompanying the wife of the prince of Orange, who was still a child, but, in reality, to procure for the king the means of taking the field against the parliament and its supporters. Before her departure Henrietta expressed her fears lest the king should "be prevailed with to yield to some unreasonable conditions;" and, according to Clarendon, "to make all things, therefore, as sure as might be, that her absence should not be attended with any such inconvenience, his majesty made a solemn promise to her at parting, that he would receive no person into any favour or trust who had disserved him, without her privity and consent; and that as she had undergone so many reproaches and calumnies at the entrance into the war, so he would never make any peace but by her interposition and mediation*." And the historian afterwards states, that so observant was the king of this compact, that it "shut out all opposite consultations†."

Conduct of
the Queen.

January 1642.

nals, though not inserted, under the date of Feb. 3, and remarks that no sensible man would believe Clarendon to have committed so foolish and useless a forgery. But Hume has made it plain enough that there were party purposes of some value to which such a document might be applied; and the distance of time between the alleged occurrence and the publication of Clarendon's history was sufficiently extended to make such a piece of imposition practicable. The notice of the petition in the journals contains no intimation of its being otherwise than respectful. But was Clarendon capable of resorting to the sort of device imputed to him? In his life, that historian informs his children and posterity, that the king, having discovered how admirably he could imitate the style of other men, "would often call upon him for a speech or a letter, which he very often prepared upon several occasions, and the king always commanded them to be printed. And he was often wont to say, many years after, that he would be very glad if he could make a collection of all those papers which he had written occasionally at that time." Life, i. 136, 137. A specimen of Clarendon's inventive powers in this way may be seen in his account of the debate on the self-denying ordinance, which he describes as taking place the day after a fast-day, and as an echo of the cant and fanaticism which proceeded from the pulpits of the capital the day before, to which Vane and Cromwell are said to allude as a most certain manifestation of the Spirit of God. Hist. ii. 564. It happened, however, that the fast-day did not take place until nine days after the debate. Hume, of course, has followed him in this error.

* Clarendon's Life, i. 156. May, Hist. 104.

† Clarendon's Life, i. 112.

When the king left London, and employed himself with various expedients in the hope of collecting his adherents about him at York, the queen beyond the seas, says the same historian, "was as intent to do her part, and to provide that so good company as she heard was daily gathering together about the king, should not be dissolved for the want of weapons to defend one another; and therefore she caused, by the sale or pawning of her own, and some of the crown jewels, a good quantity of powder and arms to be in readiness in Holland against the time that it should be found necessary to transport it to his majesty; so that both sides, while they entertained each other with discourses of peace, provided for the war which they saw would not be prevented*."

The queen's name had long been of great weight with the English Catholics, and had been much employed in raising contributions from that class of persons since the beginning of the Scotch troubles. It had been implicated also in the two army plots, the one before, the other subsequent to the death of Strafford†. During the first of these plots her confessor was detected writing in the following terms to a resident in the court of France:—"The good king and queen are left very naked; the puritans, if they durst, would pull the good queen to pieces. Can the good king of France suffer a daughter of France, his sister and her children, to be thus affronted? Can the wise cardinal endure England and Scotland to unite, and not be able to discern? In the end it is likely they will join together, and turn head against France. Some have braved little less than to unthroned his majesty, who, if he had but an ordinary spirit, might easily quash and suppress these people. The good queen is much afflicted. This cannot be for the honour of France, to endure that a daughter of that nation and her children should be thus oppressed and affronted. Balfour hath proved an arrant traitor to the king, who commanded him to receive a hundred men into the tower, which he most traitorously refused‡."

It was concluded that the queen's confessor must have known her mind, and that in thus imploring the active interposition of France even before the death of Strafford, he was not acting contrary to her wishes. The commons, having intercepted this letter, arrested the author, and their conduct in this act has been set forth by the prejudice of their accusers as a memorable instance of intolerance and barbarity§.

It is mentioned also as a great affront offered to Henrietta that a letter addressed to her by lord Digby should have been intercepted and opened. But it should be remembered, that with this letter was another written

* Hist. ii. 246. iii. 102.

† Ibid. i. 263, 277. Neither Laud nor Strafford was acceptable to her. 294. 185—188. Rushworth, iv. 240, 242. *et seq.*

‡ Rushworth, iv. 257, 258. Hume, *ubi supra*.

§ There were movements also on the French coast, which seemed to indicate that a call for help from that quarter had proceeded from more important persons than the queen's confessor, and that it had not been raised in vain. Rushworth, iv. 259, 260.

by the same person to his brother-in-law Sir Lewis Dives, in which he described the parliament as traitors, urged that the king should resort to the most hostile measures against it, and proposed a method for secret correspondence. It was suspected that the letter to the queen was to the same effect, and upon examination this was found to be the fact.* In short, history has made it plain, that the influence of the queen in the affairs of the country, much as may be said in defence of her conduct, was both as considerable and as pernicious as the leaders of the commons were accustomed to represent; though the puritans, judging of her temperament in that respect probably from their own, seem to have looked upon her as animated by a much greater zeal for her religion than she really possessed.

The queen left England in the January of this year, and on the second of June, a vessel, sent by her majesty from Holland, containing sixteen pieces of ordnance and a large supply of arms and ammunition, succeeded in landing her stores at Kenningham creek in Yorkshire †. During these six months

Declaration of Charles and the peers at York.

Charles had issued many papers, and replies to petitions presented to him at York, in most of which he strongly censured the rumours of his meditating a war with the parliament, declaring in very solemn terms that nothing was further from his thoughts. The commons now passed a resolution in which they affirmed that the king intended to make war upon them, and pronounced those who should lend money on the crown jewels, or pledge them, to be enemies to the state. ‡ Charles appealed to the Almighty as knowing that his heart abhorred the intention of making war; and, a fortnight after the arrival of the military stores from Holland, called upon his council at York to bear witness to the sincerity of those pacific professions which he had so often made in their hearing. Their lordships, thirty-five in number, proceeded so far as to sign the following declaration. "We, whose names are underwritten, in obedience to his majesty's desire, and out of the duty which we owe to his majesty's honour and to truth, being here upon the place, and witnesses of his majesty's frequent and earnest declarations and professions of his abhorring all designs of making war upon the parliament, and not seeing any colour of preparations or councils that might reasonably beget the belief of such designs, do profess before God, and testify to all the world, that we are fully persuaded that his majesty hath no such intention§."

This declaration was framed by Clarendon, whose description, given on another occasion, of the manner in which the queen had been employing herself beyond the seas previous to this time, we have extracted above. It was framed also in the face of the attempt to seize Hull, of the arrival

* Clarendon, iv. 555.

† May, Hist. 117.

‡ Rushworth, iv. 601.

§ May, Hist. 133.

of stores from Holland, of the great meetings of the ministers, freeholders, farmers, and others, convened by royal proclamation; and of the exertions made to collect a force at York under the name of a guard, which was manifestly designed as the nucleus of an army. Among the names, however, appended to this declaration we find that of Falkland.

Charles, no doubt, meant that the responsibility of *commencing* the war should be made to rest, if possible, with his opponents. But there had been enough in his conduct and language from the time of his appearance at York, to make it evident that his determination from that period was to appeal to the sword, as soon as there should be a prospect of doing so with success, rather than submit to the terms insisted on by the parliament*.

The king's declaration, so often and so solemnly made, that he had never harboured the thought of subduing his subjects by the aid of a foreign force, and which was now again put forth, was another statement regarded by the parliamentary leaders as contrary to fact. Charles had made arrangements for the introduction of such aid soon after his accession; when the troubles in Scotland began, he negotiated with the archduke for the same object; the parliament stated that it was prepared to prove that similar applications had been recently made to the states of the continent; and only a little subsequent to this time, we have abundant evidence that a course of proceeding with which,

* The contradictions in Clarendon's account of proceedings at York during the first half of 1642 are remarkable, and such as could not have occurred in the work of any man of simple intentions and ordinary capacity. Thus, in the latter end of May, he expresses his astonishment at the hypocrisy of the parliament in declaring that the king intended to make war upon them, alleging that they must have known him to have been destitute of the means for the support of his household, instead of being capable of providing for an army (Hist. ii. 438); though before this time he has spoken repeatedly of the large company which the king had attracted to himself at York, of the great reaction in his favour which his studied condescension, and the papers issued in his name, had produced through the country, and of the ceaseless effort with which he had endeavoured "to provide against the storm he saw was coming." Hist. ii. 425, 426.

On the thirteenth of May a petition was presented to the king from "many thousands of peaceably affected subjects in the county of York," complaining that they had been prevented approaching his majesty by the violence and affronts of those about the court, and that on declining to sign a particular address to his majesty, divers of them had been punished "with blows," and had been told "*that when his majesty's army should be on foot they should be the first pillaged.*" On the same day a letter was written from York by the members of a parliamentary committee which had been sent down there, in which they say, that being admitted to the king's presence, there was "much humming and applause by some persons who had placed themselves near about where the king stood," as often as the king's messages to the parliament were read; "but when anything from the parliament came to be read, it was," they say, "with so much hissing, and reviling of the parliament, that though in respect and duty to the king's presence we could not resent it, as otherwise we should have done, yet we have since complained of it to his majesty. Some of them were so bold as to say openly that the parliament men should set their house in order, for many of them should shortly have their heads off." Rushworth, iv. 1618, 1620.

according to his present language, nothing would ever induce him to concur, was adopted by him in regard to any quarter from which assistance was at all likely to be obtained*.

The day on which the peers at York signed the declaration, which affirmed that hitherto the king had not given them the least reason to suspect him of meditating war against the parliament, was that on which nine of their number were charged by the commons with having cast a high affront and contempt on the two houses by the manner in which they had refused to appear in their places in the upper house; and their conduct in thus deserting the parliament, and endeavouring, as far as in them lay, to put an end to it, was made the ground of an impeachment. These noblemen, who had been among the earliest to join themselves to the king when he withdrew from the capital, were, the earls of Northampton, Devonshire, Dover, and Monmouth, and the lords Howard, Rich, Grey, Coventry, and Capel. By a sentence of the upper house, these persons were deprived of their rank, excluded from all privilege of parliament, and made liable to suffer imprisonment during pleasure. By this proceeding the commons hoped to prevent similar secessions; but its effect upon the censured nobles must have been, to make them feel that their own fortunes were now more than ever allied with those of the monarch†.

When the lord keeper Finch fled from the resentment of the commons, the great seal was entrusted to Littleton, who, until this time, had voted and acted with the two houses in all their measures. But before being duly invested with his office, Charles, it is said, exacted from Littleton a promise on oath, that the seal should be delivered back to him whenever he should send for it; and being reminded of this private condition by a secret messenger, who demanded the seal in the name of the king, the lord keeper professed to have obeyed the dictates of his conscience in making the required surrender. The great seal was accordingly conveyed to York by a groom of the king's bedchamber, and Littleton, leaving the capital the next day, joined himself to the court, that he might escape the resentment of the parliament‡.

By the removal of the great seal, the administration of justice, and all the functions of the executive government, were withdrawn to the quarters of the king, the affixing of that seal being necessary to all commissions of assize, to all writs of election, and to the filling up of most public employments. The commons, with their characteristic energy, resolved, after a few weeks, to create another great seal, that the quarters of the parliament might not be without the benefits of regular govern-

* Rushworth, i. 474, 612; iv. 625. Orleans, *Revolutions in England*. iii. 12. *et seq.* King's Cabinet opened. Pages 232. 304. of this volume.

† May, Hist. 117—122. ‡ May, Hist. 122, 123.

ment; but it was not before October, three months later, that the prejudices of the lords against such a step could be overcome. The court pointed to this measure as one of the most daring acts of treason:—as though men, who by this time had raised a powerful army, and were confronting the monarch in the field, could scruple long about such a formality.

Siege of
Portsmouth. Strafford had once said, “It is a tender point to draw blood from subjects, even when rebellious:” but the answer of the king to the nineteen articles made it evident that, rather than consent to such terms, he had determined to hazard that point; and while the two great parties appeared to be waiting for the event the first blow was struck. Parliament called upon the western counties to raise their levies in its defence. Goring, the governor of Portsmouth, refused to act on those instructions, and prevailed, moreover, on the garrison, and the inhabitants of that town, to declare for the king. Essex, the parliamentary general, laid siege to the place. The monarch issued a proclamation on the ninth of August, declaring him, and the men under his command, to be traitors, unless they should submit to his authority within six days. The parliament declared this proclamation a libel, and denounced all by whom it had been advised, or by whom it should be approved, as guilty of treason. A few days later the king raised his standard at Nottingham, an act which imported the declaration of war*.

The justice of
the civil war
considered. When the sword of the king was thus drawn, a great change had taken place in the relative position of the monarch and the parliament, and many well-meaning men, looking at the character of many recent events, were in honest doubt with respect to the side on which their own should be unsheathed. In the conduct of the parliament there had been many things which could not be viewed with satisfaction by any wise man, and which naturally tended to awaken distrust. We have seen that in the proceedings of the commons with regard to silenced and scandalous ministers, and the canons of the late convocation, there was an exercise of judicial functions hardly within the province of parliament, though consistent in part with the wording of some statutes, and still more with the claims frequently asserted by the lower house in relation to such matters. The sensitive and severe temper of that house, as evinced in its treatment of some persons who reflected on its proceedings, was an evil of dangerous tendency; and not the less so from the fact that its history afforded some unquestionable precedents in support of such exercises of authority. Even in the parliament itself, the minority was subject to a degree of intimi-

* Clarendon, Hist. iii. 172, *et seq.* Rushworth, iv. 763. *et seq.*

dition which no true friend of liberty could have witnessed without displeasure and alarm.

Nor was the upper house exempt from treatment of this nature. Some nine months before the raising of the standard at Nottingham, the lords were told, that unless certain bills deemed necessary by the commons to the safety of the kingdom were passed by them, those bills would be presented in the name of the majority of the commons, and of the minority in the lords by whom they had been approved*. One member ventured to say on that occasion, that he did not see why bills might not be presented in the name of a minority from the commons as well as from the lords; but it was affirmed that the commons were the only representatives of the people of England, and the member who had thus spoken was charged with having given offence to the house, and ordered to withdraw. It is true, the charge appears to have been abandoned, but its being entertained was an evil omen, though hardly less considerable perhaps than was afforded by the measure to which it referred.

That the parliament should have discouraged petitions which prayed for the extinction of its own power, and the return of the old tyranny both civil and ecclesiastical, is not surprising: but that the promoters of such petitions should have been deemed liable to impeachment, was an extreme remedy which seemed to loosen all the securities of freedom†. Even in this proceeding, however, there was some appearance of law and justice, if compared with the same course as resorted to against an unpopular nobleman, the Duke of Richmond, merely on the ground of his having recommended, in a sort of jest, that the upper house should adjourn for six months‡. In the impeachment of the bishops, too, we see more of the policy and resentment of their prosecutors, than of a scrupulous regard for the provisions of the law. It became manifest from these occurrences, and others of the same description, that the crown was not the only power possessing a tendency to break in upon the even course of justice.

And while these excesses on the side of the parliament, springing for a time from the flush of victory, and then from the fear of discomfiture, were multiplying, the public declarations of the king, and of those who adhered to him, became more and more moderate and constitutional. In the addresses presented to him at York, the professions of attachment to his person are nearly all founded on his having given his assent to so many laws adapted to promote the better government and greater happiness of his people. The substance of the reforms accomplished to the period of the king's return from Scotland is approved in those documents, and, judging from the expressions which occur in them, the object of the king

* Journals, Dec. 3, 1641.

† Parl. Hist. ii. 1147. 1150. 1188. Baxter's Life, Lib. i. part 1. 27. Ed. folio.

‡ Journals, Jan. 27, 1642.

and of his followers was as much to preserve the popular advantages thus secured, as to check further innovation. It was in consequence of placing himself on this new ground, that Charles, who a little more than two years ago found it impossible to raise an army with which to repel the invasion of the Scots, was now capable of collecting a force powerful enough to make war, and with considerable prospect of success, against the parliament of England.

But these indications of an arbitrary temper in the commons, and these altered professions on the part of the court, are not the only points to be considered in judging of the course which it became an enlightened patriot to pursue at this juncture.

Views of the
Parliament.

The liberties pertaining to Englishmen according to the constitution were soon recovered, at least so far as this could be accomplished by means of statutes in which they were solemnly recognized; and the questions at issue, accordingly, soon ceased to relate to them, and to have respect almost entirely to the best means of securing what had been so far regained. That some new securities were really necessary, in order that the free theory of our constitution might not be neutralized by an opposite spirit in the government, appears to have been the persuasion of many among the most ardent supporters [of monarchy. But while such persons would have limited all restrictions on the prerogative, so as to have left it at least possible that it might some day break forth with the power of former days, to the destruction of all who had opposed it, the popular leaders were concerned that their own safety, and the general interest, should not be left to any such hazard.

Since the days of Henry the seventh, the excesses of monarchy had been the source of nearly all the oppressions in our history, and it was not until taught by experience that the most reflecting men in England seemed capable of apprehending any great evil from the extreme of democracy. The history of the ancient republics might have afforded them instruction on this point. But it is a fact, not sufficiently observed by us, that there was nothing in our own history to have furnished them with this kind of landmark; and their fears, in consequence, from this source, were trivial, compared with those which had respect to the prerogative, and to the evils which would follow from its being left without those powerful restraints which no violence of passion might be sufficient to demolish. Hence the great question at issue between the king and the parliament was the command of the militia. So long as the military force of the kingdom was left in the hand of the sovereign, trained wholly under his direction, and commanded by persons deriving their trust exclusively from him, the popular leaders could not feel themselves secure. Many a conjuncture might occur in which it would be possible to employ such a power against the public liberty with complete success, or at least to place its supporters at great disadvantage in contending for its preservation; and this was a hazard to which it did not behove them to expose either themselves or the public weal. It was

accordingly demanded, that the authority of the parliament in relation to the forces, should be such as to provide against this probable evil:—but to such a measure the royal assent was not to be obtained.

This view of affairs, which would have been of much weight with thoughtful men in regard to any country where a mixed constitution like ours subsisted, became the more deserving of consideration from the personal character of the king. It no doubt is very undesirable that the welfare of a community should depend in any case on the accidents which must ever attend a government left to assume its complexion entirely, or in a great degree, from a single will—but there was much in the character of Charles which served to place this general evil in great prominence. The conduct of his opponents at this moment must be attributed to one of two causes—to an ambition so low and irrational as to be at variance with their known character, or to a distrust of the king's sincerity which nothing could remove. The latter was the real difficulty; and it was one which most men in the same circumstances would have felt in the same degree. The duplicity which had marked the conduct of Charles from his early life to the present time, and the vindictive temper with which it had been accompanied; the ease with which he had broken his most solemn promises, particularly in the case of the petition of right; the severity of his oppressions toward the members of successive parliaments, who had incurred his resentment by opposing his will; the reluctance with which he was known to have made the late concessions; the rumours of meditated vengeance which came from his presence to the ears of the obnoxious patriots; the detection of his intrigues in England, Ireland, and Scotland, only the more alarming from the obscurity which still rested upon them; and the accusation of the five members, in which others “plainly saw his judgment of late parliamentary proceedings, and dreaded the same fate, should royal authority be re-established in its ancient lustre:”^{*}—all these occurrences, and many more of the same character, taught the parliamentary leaders to look upon their own safety, and the safety of the great objects for which they had been contending, as matters requiring a security altogether independent of the preferences or the temper of the sovereign.

It may be said indeed that the king was now in the hands of prudent men, and that many of his present adherents would have been among the first to have opposed his return to arbitrary courses, and to have urged upon him the importance of fidelity to his promises. But the light in which the leaders of the parliament regarded the declaration of the fifteenth of June, to which the most distinguished of those persons were parties, was such as rendered it impossible that they should look even upon that class of the king's supporters as influenced at this juncture by any very delicate principle of honour. Neither could they forget the discourteous manner in which their committee had been treated in the king's presence at York, nor

^{*} Hume, *Hist. ubi supra.*

the threatening which had been used toward them at that place. Three moreover of the most trustworthy among the king's advisers at that time, had been in his confidence before his attempt to seize the five members, and Charles had pledged himself to do nothing material without their advice. He proceeded nevertheless through all the stages of that business without consulting them*. Had he proved successful in war, and had he shown a disposition to retrace his steps toward the system on which he had determined to act in 1629, there were no doubt virtuous men about him, who would not have countenanced his policy; but if enough had remained to have enabled him to pursue that policy with success, we may safely conclude that he would have pursued it; and that the course of events would soon in that case have placed such an opportunity before him must be deemed highly probable. Mrs. Hutchinson has given her own view of the character of Charles, and dark as the portrait is, it may be regarded as expressing the general opinion of her party concerning him. "The example of the French king was propounded to him, and he thought himself no monarch, so long as his will was confined to the bounds of any law; but knowing that the people of England were not pliable to an arbitrary rule, he plotted to subdue them to his yoke by a foreign force, and, till he could effect it, made no conscience of granting any thing to the people, which he resolved should not oblige him longer than it served his turn; for he was a prince that had nothing of faith or truth, justice or generosity, in him. He was the most obstinate person in his self-will that ever was, and so bent upon being an absolute, uncontrollable sovereign, that he was resolved to be such a king or none†." It was this view of the king's character which led the parliament to insist on terms of accommodation that were deemed so humiliating; and it is certain that the monarch partook enough of the temper imputed to him in the above passage, to choose civil war rather than submit to such conditions.

On the whole, then, it appears that success in the great conflict about to commence was not to be expected on either side, without consequences dangerous to the liberties and welfare of the country. Judging from its recent conduct, even the parliament was not likely to make in all respects the most equitable use of its advantages, should the scale turn in its favour; while on the part of the king, should success attend his arms, the only ground on which it was possible to hope that he would stop somewhere short of an established despotism, was derived from the better character of many who were now among his followers;—men, however, who would have proved, it may well be feared, but poor securities for English freedom; bands to be thrown off with ease by the restored prerogative whenever the fitting season should arrive.

* Clarendon's Life, i. ubi supra. Hist. ii. 130, 133.

† Memoirs, i, 129.

CHAPTER VIII.

State of the Kingdom—Royalists—Parliamentarians—Connexion of the War with Religion—Battle at Edgehill—Negotiation at Colnbrook, Action at Brentford—Negotiation at Oxford—Arrival and Impeachment of the Queen—Waller's Plot—Military Occurrences in 1643—Death and Character of Hampden and Falkland—Treaty with the Scots—The Covenant—Evil Consequences of introducing it—Death and Character of Pym—Charles obtains Assistance from Ireland—The Scots enter England—Oxford Parliament—Battle of Marston Moor—Capitulation of the Army under Essex—Third Battle of Newbury—Dissensions in the Army of the Parliament—Oliver Cromwell—Power of the Independents—Self-denying Ordinance—The Army new modelled—Cromwell excepted—Battle of Naseby.

THE ordinance of parliament for raising the militia, and the king's commission of array published for the same purpose, were opposed to each other by their respective partisans in the greater part of the kingdom. The counties of Middlesex, Surrey, Kent, Sussex, Lincoln, Essex, Cheshire, and Lancashire, were all, more or less decidedly, in the interest of the parliament. The eastern counties, including Suffolk, Norfolk, Cambridge, Hertford, and Huntingdon, formed themselves into an association, with the sanction of parliament, for their common defence. By prompt measures, the associated counties not only preserved themselves from becoming the seat of war, but did much to counteract the plans of the nobility and leading gentry in those quarters, who were mostly in the opposite interest, and furnished the parliament with large supplies of men and means. In the four northern counties, and in Shropshire, Worcestershire, Derbyshire, and Oxfordshire, the authority of the king was acknowledged almost without opposition. The whole of the west of England also, ascending from Cornwall to Hampshire, Berkshire, and Hereford, was kept, with little exception, by the great families and gentry from any open measures against the king, its places of strength being generally retained in his service. But the people were so much in favour of the parliament, that the royal cause derived but limited assistance from that extended portion of the island. In the remaining counties, the two parties appear to have been nearly equal, or to have prevailed alternately*.

Much the greater number of the nobility, and of the leading gentry through the kingdom, took part with the king; and the schism which had been for some time extending in both houses, particularly in the lords, produced, as the crisis approached, important

* May, Hist. 140—149.

secessions in his favour. Speaking generally, indeed, the royalists may be said to have been from the highest and the lowest sections of the community, embracing few from the middle class. Their ranks were filled mostly with men called from the agricultural districts, and brutally ignorant; or with retainers from the halls of the wealthy, who were often too much inclined to the excesses commonly attendant on civil war. The persons who accepted command over these troops, were generally young men of family, whose habits of pleasure were in many cases little friendly to the discipline and self-denial which the service before them demanded. Some joined themselves to the royal standard from hatred of religion as exhibited in the character and manners of the puritans. Others were there from an hereditary feeling of honour, though not altogether satisfied with the object of the war, fearing lest its success should give too much advantage to the side of the bishops, whose authority had been exercised so perniciously, and of the king, who had shown himself so capable of following their evil example. With those was a considerable body of catholics, who naturally preferred the connivance which they had so long experienced under the government of the king, to the intolerance with which they were threatened by the men who were now arrayed against him. And to these several classes we must add a large one consisting of persons who regarded the encroachments, and the occasional violence, of the commons, as tending to introduce a popular in the place of a monarchical tyranny.

The parliament, on the other hand, could look with confidence to a considerable minority in the peerage, and among the more distinguished landholders; while the merchants, tradesmen, and common people, who were resident in towns and cities, almost uniformly took the popular side; and with them was a large body, we may perhaps say the majority, of the yeomanry through the kingdom. The preference thus shown by these parties may be ascribed in part to their greater intelligence, and their better means of information, but still more to those urban associations, so little favourable to that homage with regard to external and hereditary greatness, which forms so powerful an element in the education of every aristocracy, and so common a prejudice with a scattered and uninstructed people. These active portions of the community were capable of appreciating the benefits which the parliament had conferred on the country in abolishing monopolies, ship-money, and many illegal imposts, burdens which they knew would have been augmented rather than taken away, had the affairs of the nation been left in the hands of the court. They were concerned, accordingly, to sustain the power from which so much advantage had been derived, and which promised, upon the whole, on the new settlement of the kingdom, to be very much the best security of public interests.

The Parli-
mentarians.

But with many, these civil grievances were not the only, nor even the chief ground of the decision formed to take part with the parliament. The inroads of arbitrary power had been connected with a systematic suspension of the laws in favour of catholics, and with ceaseless attempts to assimilate the worship of the English church in the greatest possible degree to the catholic ritual. In this general policy, the king and the prelates had been of one mind; and the court, so far from showing any disposition to separate what had thus been joined together, lent its willing aid to the various plans of tyranny and persecution by which it was enforced. In breaking the yoke which had so long bowed the neck and the conscience of the nation, the puritans—for by them was that act performed—evinced an ardour which sometimes passed the bounds of discretion, and even of justice. But it was not to be forgotten that the policy long acted upon by the king and the court clergy had driven thousands of devout men into exile, purely on account of their religion; that it had obliged a much greater number to choose between following such examples, or doing violence to their conscience in the matter of popish ceremonies; that, in the language of Falkland, it had made the profanation of the Lord's-day a mark of loyalty, and the keeping of it holy an act of disobedience, placing drunkenness and swearing among venial sins when compared with fasting and prayer. Against the return of such proceedings there was no security, not even the promise of it, the only pledge of the king on this subject being, even to this time, that the church should be restored to her state under Elizabeth.

It was from considerations of this nature that such men as Richard Baxter were found in the camps and garrisons of the parliament. "I thought," said that honest divine, "that subjects were not guilty of all the faults of king or parliament in defending them, and that allowing both parties to have been considerably in the wrong, men should adhere to that party which should most secure the welfare of the nation, and might defend the kingdom under their authority, without owning all their cause. And herein I was then so zealous that I thought it was a great sin for men that were able to defend their country to be neuters. And I have been tempted still to think that I was a more competent judge upon the place, when all things were before our eyes, than I am in the review of those days when distance disadvantage the apprehension*." The same writer informs us, that the royalist soldiers plundered the puritans wherever they came, which induced many of them to abandon their home; and finding their property consumed, and their lives in danger, they passed over by thousands to the garrisons of the parliament and became soldiers. The drunkards and the rabble also, who "formerly hated them, when they saw the war beginning, grew enraged; for if a

* Life and Times. Part i. p. 39.]

man did but pray or sing a psalm in his house, they would cry, 'Down with the roundheads,' and put them in fear of sudden violence*."

Thus, upon the whole, it may be said, that on the one side was loyalty, a loyalty partaking of all the strength of hereditary feeling, and of superstitious veneration; connected, in some instances, with a sober attachment to certain great principles of popular right, but more frequently with a lamentable ignorance concerning the value of all such rights, and a consequent heedlessness about them. On the other side, there was also loyalty, but loyalty always subordinate to the love of liberty, so far as the principles of liberty were then understood; a body of men who were prepared to do battle with the king in person, rather than witness the suppression of those principles, or even the avoidable hazard of them. Allied with this motive was another still more powerful—that which a devout man brings with him to the struggle when his conscience is the point assailed, and when the power to be resisted is one which comes between him and the objects of his religious homage and attachment. In this last feeling both parties shared, though very unequally. The meeting of such combatants must often have been terrible, and the recollection that they were alike Englishmen, makes even the story of their heroism a matter rather for sorrow than admiration.

The parliament gave the command of its army to the earl of Essex, which consisted at this time of twenty thousand men. Charles began his march from Nottingham toward the capital, and in Warwickshire appeared at the head of a force even more formidable than that under the command of Essex. Essex removed from Northampton to Worcester, and followed on the rear of the royalists, instead of placing himself between them and London. This questionable policy on the part of the lord-general, and the rumours of the great force which the king had drawn to his standard, spread alarm through the metropolis, and led to the adoption of vigorous measures for its defence. On the evening of Saturday, the twenty-second of October, Essex came within sight of the rear guard of the royalists in the neighbourhood of Edgecoat, and on the morrow the battle of Edgehill was fought.

The lord-general, in his anxiety to watch the movements of the king, had left several regiments, and the greater part of his
 Battle of
 Edgehill. cavalry, with his ammunition stores, and some artillery, at a day's march distance. It had also been found necessary to leave one regiment in Coventry, another in Worcester, and to quarter a third at Banbury, beside some troops of horse which were

* True History of Councils Enlarged, 92, 93. Mrs. Hutchinson's account of the state of parties, and particularly of the treatment to which religious men were exposed, and of its effect in making them soldiers, confirms that of Baxter. Memoirs, i. 180—219. Charles assured his followers at Shrewsbury that "they would meet with no enemies but traitors, most of them Brownists, Anabaptists, and Atheists."

sent into Gloucestershire as a protection to the parts of that county which bordered upon Wales ; so that when the king halted to give battle to his pursuers, they did not much exceed ten thousand men, while his own force amounted to eighteen thousand, including a large proportion of cavalry.

The place of the encounter was a plain called the Vale of the Red Horse, into which the royalists descended from the slope of Edgehill, preserving good order, a portion of their cavalry being placed at the left wing, and a stronger body on the right. The parliamentarians were drawn up in a part of the valley where the ground was slightly elevated, their cavalry being so distributed as to meet the disposition of strength adopted by the enemy. The fight commenced with a heavy discharge of cannon on both sides, which did much execution upon the ranks of the royalists, but very little upon those of their opponents. The earl of Lindsey, placing himself at the head of the king's regiment, led on the main body, and was met with great courage by Essex and the horse and foot under his command. A charge was next made on the king's regiment by the life-guard of the lord-general, and with so much success that the royal standard was taken, its bearer, sir Edmund Varney, slain, and Lindsey, the general, wounded and made prisoner.

But while the main body of the parliamentarians was so far successful, the whole force of their left wing had given way before the right of the enemy under prince Rupert. This disgrace to the arms of the parliament was principally owing to the treachery of sir Faithful Fortesque, who, according to a previous concert with the king, went over to the royalists with his troop at the very moment of the charge. The panic being thus spread, Rupert pursued the fugitives to some miles distance, and employed himself in pillaging the parliament baggage. By so doing he left the main body under the lord-general to prosecute its advantages against that of the enemy, making his return, when it occurred, rather hazardous to himself than serviceable to his friends.

Had the prince restrained his impetuosity, and wheeled about quickly upon the flank of the parliamentarians, their total defeat would probably have followed. But, as things happened, so undecided were the fortunes of the day, that both parties claimed the victory. As the parliamentarians possessed the ground in the evening which the royalists had occupied in the morning, and challenged them during three hours on the following day to a renewal of the contest, the advantage seems to have belonged to them. But the lord-general, who had shown great promptitude and courage in the field, was influenced by a timid and wavering policy on other occasions, and instead of directing his march toward Banbury, as he might have done, he retired to Warwick castle, the seat of lord Brook, to repair his losses, and procure supplies of provision. By this proceeding he made an apparent concession of his weakness, which was much regretted by many of his party*.

* May, Hist. 168—172. Baxter's Life, 43. Whitelocke, 61.

It may indicate the feeling of the times to observe, that this battle, in which six thousand Englishmen are said to have fallen, was remarked by the parliamentarians as having occurred on the twenty-third of October, the day on which the Irish rebellion broke out in the preceding year :—an event, it was said, which might well remind them of their guilt in leaving the blood which was then shed so long unavenged. But it was also observed, “ by many men on the parliament side, as a blessing of God to the protestant cause, that on the very same day that this battle was won in England, the Swedes obtained a notable victory over those of the Roman religion in Germany*.”

The battle of Edgehill, though not a victory to the royalists, was highly favourable to their cause, many of the gentry declaring themselves from that time on the side of the monarch, who until then had preserved a cautious neutrality†. Charles marched from Edgehill to Oxford, by way of Banbury, and published a paper which spoke of his victory over the rebels, declared that his hostilities were not directed against the parliament, but against some “ dozen or twenty factious and seditious persons” who governed it; and which, while acknowledging that there were catholics in his army, affirmed that the number of such persons among his followers was much less than might be found in the ranks of his opponents. The parliament expressed their astonishment at the hardihood of this last assertion, and challenged the men about the person of the king to mention a single catholic whose assistance they had deigned to accept‡.

These papers were not of a description to promise an early return of peace, but they were followed by some negotiations for that
 Negotiation at Colnbrook: object, which were commenced on the eleventh of Novem-
 Action at Brentford. ber, at Colnbrook. On that day the king received the
 parliament commissioners with much courtesy, expressing his willingness to negotiate, and his earnest desire of peace. The commissioners, however, had no sooner left the royal presence, for the purpose of conveying these expressions to the proper quarter in London, than Charles, at the head of his artillery and cavalry, passed through the town, advancing toward the capital; and on the following evening, under cover of a fog, the royalists broke in upon the garrison of the parliament in the town of Brentford, and a fight ensued, which lasted for some time, much to the disadvantage of the surprised party, fifteen pieces of cannon being taken by the king’s troops, and five hundred prisoners. The sound of artillery was heard in the metropolis; the regiments of Brook and Hampden, in the neighbourhood of Brentford, flew to the assistance of their companions; Essex, who had returned with the army some days since, left the house of lords, and placed himself at the head of all the available force in the capital and its vicinity. The city broke forth

* May, Hist. 178.

† Ibid. 176, 177.

‡ Rushworth, v. 39, 41.

into the loudest expressions of alarm and indignation; and so great was the force which, within a few hours, was concentrated upon the royal quarters, that the retreat of the king on the fourteenth toward Oxford was generally regarded as a movement which Essex might have prevented, and in so doing have accomplished by the sword what it was now deemed vain to expect from any treaty. The negotiation, which both the parliament and the city appeared anxious to forward, was accordingly abandoned, and the popular leaders, the citizens, and the army, spoke of the attack as an act of perfidy, which must render it more than ever difficult to place the slightest confidence in the professions of their enemies*.

But the winter had commenced, and three months of comparative inaction had contributed to allay the exasperated feeling thus produced, when the advocates of peace, who were numerous both in London and Oxford, succeeded in bringing the two parties again to enter upon negotiation. The proposals of the parliament were loosely expressed in one or two instances, so that it is not easy to ascertain the real extent of their present demands; but the king was more explicit, at least with respect to the article which required a complete surrender of the forts, magazines, towns, navy, and revenue, into his hands. The parliament, having made these concessions and some others, might consist of the persons composing it in 1641; but to avoid inconvenience from tumult, it should hold its meetings at least twenty miles from London. Charles must have been aware that these overtures were such as would not be entertained for a moment. In the mention of them we may trace the effect of his promise to the queen, which, during her absence, rendered him incapable of coming to any accommodation with his subjects, and, in consequence, prevented his mentioning such terms as might have tended to it. This negotiation terminated in the beginning of February, and a similar issue awaited another which closed about the middle of April†.

In February the queen landed in Yorkshire, and in May joined the king at Oxford, with a seasonable supply of arms, ammunition, and men. At this time the loss of Reading, and of many persons of quality who were sent to its relief, had much depressed the spirits of the royalists. The talk of peace now became prevalent. But the leaders of the commons were far from regarding the strength of the royalists as sufficiently broken to

* May, Hist. 178, 179. Baillie, i. 361—373. Hutchinson, ii. 173, 174. Charles, in his own defence, accused his opponents of meaning no more by their proposals than to keep him inactive, until they should surround him by a superior force; but of this there was no proof. Whitelocke, 62, 63. Rushworth. It is certain that such a movement on his part was contrary to the expectations of the party assailed, and that they were taken accordingly by surprise.

† May, Hist. 180. Rushworth, v. 164—261. Clarendon's Life, 76, et seq. Whitelocke, 64.

afford any prospect of the kind of settlement which it was their object to secure. Hence they not only neglected to improve certain overtures made to them at this juncture by the king, but in order that they might commit themselves and their adherents to a more vigorous prosecution of the war, they proceeded to impeach the queen of high treason, "for assisting the king, her husband, with arms and ammunition, in the prosecution of the war against them*."

In the same month of May a project was detected in London by the name of Waller's plot. Its object was to bring about a co-operation between the court party in Oxford, and such as remained in the parliament or the metropolis, so as to enforce a peace, on terms less extravagant than those lately set forth by the king, but, on the other hand, much more favourable to the crown than those insisted on by the commons. The commons professed to regard this attempt, and with much reason, as a conspiracy fraught with imminent danger both to the liberty and religion of the nation. By the conspirators it was calculated that the whole of the lords except three would be found favourable to their object. They had frequent correspondence with Falkland, who acted as secretary to the king; and employed themselves in taking a sort of census of the city, classing the inhabitants as royalists, parliamentarians, and moderates, hoping to find the latter sufficiently strong to maintain their footing "in the gap," and to unite the two extremes. But on the last day of the month the project was discovered to Pym while seated in church, by a servant of one of the parties, and Waller, and seven other persons, were apprehended. Two suffered death; Waller, on account of his disclosures, and great professions of penitence, was allowed to escape with a sentence of banishment, and a fine of 10,000*l*. Amidst the alarm which attended the discovery of various particulars connected with this affair, an oath, or covenant, was introduced, by which persons pledged themselves never to aid the followers of the king without the consent of both houses; and also to support the claims of the parliament so long as the papists, and others in arms under the royal authority, should be sheltered from the punishment due to their misconduct†.

By this oath, which was very generally taken, the prospects of peace were removed to a distance almost hopeless. The leading royalists were taught by this measure to look upon the power of the king as the only protection to themselves; and the charge brought against the monarch in the preamble to this oath, of meaning to subvert the protestant religion, as well as the liberty of the subject, was denounced by them as an accusation which the men who preferred it must have known to be false. Charles was aided by the personal services of catholics, and still more by their money; but that he meditated the overthrow of the protestant

* Clarendon, iv. 52—56.

† May, Hist. 184—186. Hutchinson's Memoir, i. 220. Rushworth, v. 332, 333.

religion was an assertion that should never have been made. It is to be lamented that moral scruples on matters of this nature were becoming less and less an impediment in the instance of both parties, whenever their particular objects were to be served by a violation of them. With the intent to counteract this last assertion, the king made the following declaration publicly at Oxford, when about to partake of the sacrament from the hands of archbishop Usher :—" My lord, I have to the utmost of my soul prepared to become a worthy receiver ; and may I so receive comfort by this blessed sacrament, as I do intend the establishment of the true reformed protestant religion, as it stood in its beauty in the happy days of queen Elizabeth, without any connivance at popery. May this sacrament be my damnation, if my heart do not join with my lips in this protestation." What the king's intentions were while uttering these solemn words we cannot know, but it is certain that he had always practised the connivance adverted to, and that he very soon placed himself under new obligations to continue and greatly to extend that practice*.

The feeling of insecurity which had been diffused by the detection of Waller's plot was rather increased than diminished by the Death of general course of events during the summer. It was in the Hampden. month of June that news arrived of the death of John Hampden, from a wound received while charging a party of royalists at Chalgrove. No man in that age had done more to enkindle and keep alive the passion for freedom. His letters show him to have been a person of liberal attainments, sound judgment, and cultivated taste ; and evince, not less clearly, a refined moral feeling, and an enlightened attachment to the Christian religion. The modesty and cheerful urbanity of his manners seemed to bespeak a pliancy of temper to be readily controlled by circumstances, but were soon found to be allied with an inflexibility of purpose rarely exceeded. Few men have possessed the same facility in governing others without seeming to do so. His conduct on the question of ship-money, which called him from private life, placed him at the head of the popular party through the kingdom ; and his character fitted him to sustain that elevation, without exciting jealousy among his colleagues, or giving any unnecessary advantage to his opponents. His first views with respect to civil and ecclesiastical reforms, like those of most men in his day, referred to such evils only as the existing laws, if duly administered, would have sufficed to correct. But his demands in favour of the liberty of the subject rose as the dangers which threatened it became in his view more formidable. He was anxious to preserve the monarchy, but it was under restrictions which in many respects were unknown to the ancient constitution ; and was prepared to witness its fall rather than see it continued at the cost, or even at the manifest hazard, of popular freedom. These decided views were induced in part by the impolicy which pre-

* Rushworth, v. 346—924.

vented his intended emigration in company with Cromwell and others some time before the troubles in Scotland; but were enlarged and rendered unalterable by the conduct of the king in attempting to arrest him as one of the five members. His wound at Chalgrove was from the lodgement of two pistol balls in the shoulder. Having suffered severely during three weeks he expired. This event, which gave occasion to loud rejoicing with the one party, and produced a strong misgiving among the other, was followed by a battle fought at Devizes, between lord Wilmot, a distinguished royalist, and sir William Waller, a general whose recent successes had made him a favourite with the whole party of the parliamentarians. But at Devizes the fortunes of Waller forsook him. The cause of the parliament seemed now to be generally losing ground.

The lords seized on this critical posture of affairs to propose to the commons a series of articles as the basis of a treaty. But to speak of negotiation at such a moment was declared to be pusillanimous, and to the last degree impolitic; and when this decision was found to have produced a further secession in favour of the king from the upper house, the commons betrayed no feeling of dismay. They applied themselves with vigour to the raising and equipment of troops; they formed a plan for co-operation with the Scots; and they employed the ardour of the citizens in extending a trench round the capital—a work which in a few days embraced a circle of twelve miles, those who laboured in it being persons of all ranks, and encouraged by the presence and applause of their wives and daughters.

A full narrative of the military operations of this period would not perhaps be very instructive, and our limits oblige us to confine our notices to such occurrences as became important from their effect on the relative strength of the contending parties. Baxter, who officiated at this time as chaplain to the parliament garrison in Coventry, compares himself and his companions, in the enjoyment of their peace and liberty, to the inmates of a dwelling, who listen to the violence of the storm which is raging abroad, and hear reports of its devastations, without feeling them. Every day, he remarks, brought news of sieges, battles, or skirmishes—"so that as duly as I awoke in the morning I expected to find some one come and tell me such a garrison is won or lost, or such a defeat received or given *."

The successes which attended the army of the royalists, both in the north and the west, during this summer—Bristol and many other places of strength having fallen into their hands—filled them with the highest degree of confidence. It was generally supposed at Oxford, that the king had only to determine on marching to London, in order to bring the contest to a triumphant conclusion. But Gloucester was still retained for

* *Life and Times. Part i. p. 46. Whitelocke, Ad. an. May's Hist. 192—194. 212—214. Rushworth. v. 263, et seq.*

the parliament; the two houses would abate nothing of their pretensions; and Charles, judging of his strength more wisely than his followers, instead of proceeding to attack the metropolis, marched to the siege of Gloucester. Before that city, however, the victorious career of the royalists was checked. An attempt to corrupt colonel Massey, the governor, failed, and that officer and the garrison acquitted themselves to the admiration of the besiegers. During this delay, the besieging army did much injury to their cause in the neighbourhood, according to Clarendon, by indulging in acts of "rapine and severity, hardly to be credited." While thus detained, the king received frequent tidings of the successes of Rupert and Digby in the west, but he heard likewise of the preparations making by the parliament with a view to the more vigorous prosecution of the war.

After the third week of the siege, it began to be rumoured in the royalist camp that Essex was about to leave London at the head of a formidable army for the relief of the city; and, to the astonishment of his enemies, the earl marched steadily in that direction, and in such strength that the royalist cavalry, sent as far as the neighbourhood of Oxford to check his progress, retired from place to place before him, until he came within sight of the city, and with small loss to himself compelled the besiegers to abandon their object. "The Earl of Essex," says Clarendon, "stayed in that joyful town three days, and in that time, which was as wonderful as any part of the story, caused all necessary provisions to be brought into them, out of those very quarters in which the king's army had been sustained, and which they conceived to have been entirely spent; so solicitous were the people to conceal what they had, and to reserve it for them."

From Gloucester, Essex marched to Cirencester, where he seized a large and seasonable supply of provisions collected by the king's commissioners. The royalists were still much stronger than the parliamentarians in cavalry, which taught the latter to avoid exposing themselves to attack in the open country during their present endeavour to retrace their steps towards the neighbourhood of London. But in consequence of some skilful manœuvring on the part of prince Rupert, the whole army of the royalists succeeded in crossing the path of Essex at Newbury. All local advantages were now so much on the side of the king, that it was determined at the close of the day on which the parliamentarians were thus obliged to halt, that no attack should be commenced, except with the certain prospect of victory,—delay being no way injurious to the one party, and pregnant with every evil to the other. But on the following morning Essex challenged his opponents to the onset by an admirable disposition of his troops in order of battle on the side of a hill within a mile of the town. The young officers among the royalists, indulging in their usual scorn of the men who dared to confront them under the banners of the parliament, rushed

First battle of
Newbury.

unbidden to repeated skirmishes, and the contest at length became so general that Charles found himself obliged to hazard a battle.

"It was disputed," says Clarendon, "on all sides with great fierceness and courage, the enemy preserving good order, and endeavouring rather to keep the ground they had taken than to gain more, by which means they avoided exposing themselves to disadvantages. The king's horse, with a kind of contempt of the enemy, charged with wonderful boldness upon all grounds of inequality; and were so far too hard for the troops on the other side, that they routed them in most places, until they had left the greater part of their foot without any guard at all of horse. But the foot behaved themselves admirably, and gave their scattered horse time to rally, and were ready to assist and protect them on all occasions. The London train-bands, and auxiliary regiments (of whose experience of danger or any kind of service beyond the easy practice of their postures in the artillery garden, men had till then too cheap an estimation), behaved themselves to wonder; and were in truth the preservation of the army that day. For they stood as a bulwark and rampart to defend the rest; and when their wings of horse were scattered and dispersed, kept their ground so steadily, that though prince Rupert himself led up the choicest troops of horse to charge them, and endured their storm of small shot, he could make no impression on their stand of pikes, but was forced to wheel about. During the whole day no use was made of the king's cannon, though that of the enemy was so placed that it did very great execution upon the king's party. Night parted them when nothing else could. Neither party could think they had much the better*." As the parliamentarians were now suffered to resume their march towards the capital, the advantage seems to have been on their side.

In this battle fell lord Falkland, in the thirty-fourth year of his age. He was a person of many rare and amiable qualities, which Death and character of his friend Clarendon has spared no pains in recommending Falkland. to the imitation of posterity. It is to the pen of Clarendon, indeed, more than to any great effect produced by his conduct on public affairs, that Falkland is indebted for the prominence which has been given to his name in the recent histories of those times. In the twentieth year of his age he entered on the possession of a noble fortune, having passed his youth in Ireland, where his father had acted for some time as lord-deputy. His studies, commenced in that kingdom, were resumed with much ardour on his return to his native country. So great was his attachment to such pursuits, that, on landing in England, he determined not to hazard the diversion of his mind by visiting London, until his knowledge of Greek should be found sufficient to enable him to read the great authors in that language without difficulty. With this view he fixed his residence about ten miles from Oxford, and his companions being chosen for the most part on account of their untainted reputation

* Hist. iv. 177—236.

and love of learning, his house partook more of the air of a college than of an ordinary dwelling, "those grosser propositions which laziness and consent made current in vulgar conversations" being examined with greater freedom in the select conferences which were there held.

The first appearance of Falkland in public life was as a member of the short parliament, assembled in 1639, and his observation of what passed in the house of commons then convened filled him with so high an admiration of the institution of parliaments, that he took his place at once with those who declared the regular meeting of such bodies to be strictly necessary to the happiness of the kingdom. The abrupt dissolution which followed, appears to have strengthened his disaffection to the general policy of the court; and in the long parliament, soon afterwards called, he became, as we have seen, a supporter of all the popular measures that were for some time adopted.

But his delicate moral feeling, and his secluded habits from early life, disqualified him in some respects for becoming an efficient actor in affairs of so mixed a character as were those which soon began to present themselves to his view. It was not unnatural that his scruples should multiply and strengthen as the contending parties became more excited, and less considerate with regard to the nature of the means to be employed for the accomplishment of their objects. Nor was it altogether strange, that the party whose imperfections came most frequently and immediately within his cognizance, should at length be deemed the most in fault. Certain it is, that after the death of Strafford he began to complain of some popular proceedings; that those complaints led Charles and the court to communicate frequent expressions of obligation to him for his conduct; and that Falkland at length withdrew to the king, sincerely persuaded, no doubt, that the state of parties had so far changed, as to have caused the balance of right to turn on the opposite side.

But on nearer inspection, this virtuous statesman proved to be little more satisfied with the temper and conduct of the royalists, than he had been with those of the parliamentarians; and it was observed that from this time a spirit of melancholy seized him, producing a marked change in his temper, his manners, and his general appearance—even his dress, which had wont to be an object of some care with him, being singularly neglected. Though by no means deficient in military courage, he often sighed forth the words, "peace, peace," and spoke of the war as an evil that would break his heart. He appears, indeed, to have grown up to manhood, surrounded by an ideal world of his own, purified and brightened by the force of his own sympathies with the good and excellent; and to have felt so deeply the disappointments produced by the disclosures of human infirmity in the real world existing about him, as to have been rendered incapable of acting long with his proper efficiency in any connexion. His studies, like those of his friend Clarendon, tended to make him better acquainted with the great names of antiquity, and

of the early church, than with the history of the English constitution; and to this defect, still so common in the education of the same class of persons, some of the most material errors in the conduct of these distinguished men are in part to be attributed. Falkland's wound was from a musket-ball, which entered the abdomen. His corpse was not found until the following morning*.

On the king's return to Oxford, his followers seemed to forget the object for which they were associated in the violence of the reproaches which they cast upon each other. Those persons who had been forward to advise the attack upon Gloucester were vehemently censured; and every man was prepared to point out instances of unwise or inefficient conduct as tending to account for the failure before that city and at Newbury. In the meantime the two houses and the capital congratulated Essex in solemn embassies on what they described as his great victories. But this improved posture of affairs did not prevent the parliament from prosecuting the negotiations which had been commenced with the view of obtaining assistance from their brethren in Scotland.

The Scots, on the withdrawment of their forces from England, exulted in the issue of their enterprise so far as it related to the liberties and religion of their own country. But they ceased not to be attentive observers of the busy changes which were taking place among their southern neighbours.

Treaty between the parliament and the Scots.

They could not be insensible that the security of what they had themselves obtained must depend on the success of the English parliament in its present contest; nor could they hope to extend that war against prelacy, to which they were sworn, except by means of their allies in this country. The leading men in the two houses at Westminster would willingly have avoided seeking aid from a people whose services they had found must be recompensed by very liberal grants of money, and whose spirit of interference might greatly disturb their plans of operation, and prove unfavourable to their ultimate objects†.

The action at Brentford, however, had led to a conference with the Scottish commissioners in London, with a view to bring their countrymen again into the field. As the difficulties of the parliament increased, more definite overtures were made, and a deputation, consisting of four members of the commons, and two divines—one a presby-

* Clarendon, iv. 240—257.

† "The jealousy the English have of our nation, much beside all reason, is not well taken. Nevertheless, the report of Fairfax's defeat hath been a spur at last to the parliament, much, as it is thought, against the stomachs of many, to send message on message to us; of their commissioners, they despatch my Lord Grey of Wark from the lords, and two from the commons. They are expected daily. They speak of two ministers also: Mr. Marshall will be welcome; but if Mr. Nye, the head of the Independents, be his fellow, we cannot take it well. It is thought, that one of Meldrum's instructions is, to know what we may expect from them as to conformity of church government. If in this he bring no satisfaction to us quickly, it will be a great impediment to their affairs here." *Baillie*, i. 372. 379.

terian, the other an independent—was sent to the estates and the kirk of Scotland on this subject. In the commencement of this negotiation, the pretension of the Scots were such as the deputation was not prepared to admit in any shape; and they were at length induced, chiefly by the management of Vane, to forego the rank of umpires for the more modest relation of allies.

But it was an indispensable condition of their alliance, that the English parliament should adopt that mighty engine of revolution and intolerance, the solemn league and covenant. This instrument wedded its partisans to presbyterianism, and bound them to seek, with their utmost efforts, the overthrow of every ecclesiastical system opposed to it. Its authors now looked upon its success in Scotland as about to be succeeded by similar triumphs in England. But if the majority of the English parliament as now existing were the disciples of presbyterianism, there was a considerable minority among its members who regarded the presbyterian polity as liable, in a great degree, to the very objections which had been so often urged against prelacy, and who were in consequence the adversaries of both. What this party was deficient in numbers, was in a great measure supplied by the distinguished talents, and the greater activity, of some who were included in it. Hence this indispensable condition of assistance from Scotland was a point of much difficulty with the English deputation. They were aware that the most serious evils were to be apprehended from an attempt to connect the rigours of the old ecclesiastical jurisdiction with this new form of church government. Yet something very nearly to this effect was obstinately demanded by the Scots, whose hatred of sectaries, with their new doctrine called liberty of conscience, had become almost as strong as their hatred of the prelates*.

The Scots insist on the adoption of their covenant.

Vane exercised his perseverance and his ingenuity on this point, and after much manœuvring contrived that such expressions should be employed as might seem to grant what the covenanters demanded, but which, at the convenient season, might be made subject to a larger interpretation. It was provided, that the church of England should be reformed “according to the word of God, and according to the example of the best reformed churches.” The rule set forth in the terms “the word of God,” the independents would explain in their own way; and the presbyterians would appeal with equal confidence to the model which

* “The English were for a civil league, we for a religious covenant. When they were brought to in this, and Mr. Henderson had given them a draught of a covenant, we were not likely to agree on the frame; they were more than we could assent to for keeping of a door open in England to independency. Against this we were peremptory.” Baillie, i. 381. The doctrine of toleration was not the only topic on which the Scotch assembly needed enlightening. It recorded its sorrow concerning “the extraordinary multiplying of witches, about thirty being burnt in Fife in a few months.” A committee was appointed “to think on that sin, the way to search and cure it.” 379. See also 383, 384.

must have been intended by the expression, "the best reformed churches." With a few amendments, chiefly tending to render the terms of this compact still more indefinite, the prepared instrument was adopted by somewhat more than two hundred persons, who then composed the English house of commons, and by about thirty peers, who constituted the upper house *.

This unhappy league was thus completed toward the close of September, and must be attributed principally to the partial **Evil consequences of this treaty.** successes of the royalists in the preceding summer. It was censured by the moderate episcopalians, on account of its tendency to widen the distance between the king and the nation. By the independents, and the sects to which that body began to be a kind of centre, it was frowned upon as an effort of intolerance in favour of the old system under a new name and in a slightly altered form. It could not fail ere long to produce violent disagreements among the professed friends of the parliament, both in the senate and the camp; and in the mean time it gave their enemies but too just an occasion to retort upon them the charge of religious persecution.

Pym, who had been for some time the leader of the house of commons, **Death and character of Pym.** sunk under the weight of his labours during the period of these negotiations. So great was the influence which had fallen to this person, both in the senate and with the people, that he was generally known among the royalists by the sarcastic appellation of "king Pym." He was a native of Bedfordshire. Having pursued his studies with much ardour as a student of Pembroke college, Oxford, he obtained a situation in the exchequer, and afterwards a seat in parliament, under the patronage of the liberal earl of Bedford, the friend of his family. He sat in the parliaments of 1614 and 1620, and his zeal in defence of the "rights and franchise" of the commons, against the pretensions of the crown, exposed him in that early stage of his career to the resentment of the monarch, who committed him to the Tower, with Coke, Selden, and others. The ground which Pym then took as a public man he never deserted for a moment during a political life of thirty years.

His exertions for some time before his death often left him scarcely three hours of the four-and-twenty for repose. He died expressing his great anxiety that peace might be restored, but on such terms only as might be consistent with the liberties of the people; and he spoke with confidence of finding favour with God, in whose presence he was about to appear, and whom he had endeavoured to serve by advancing the piety and happiness of mankind. Baxter, in the early editions of his "Saints' Rest," adverts to the departed patriot in the following terms: "Surely Pym is now a member of a more knowing, unerring, well-ordered, right-aiming, self-denying, unanimous, honourable, triumphant senate, than that from whence he was taken." Pym was, nevertheless,

* Rushworth, v. 463—503. Baillie, i. 366—382. Clarendon's Hist. iii. 305—308.

charged by his enemies with being too much inclined to the indulgences of the table; and his alleged intimacy with the most beautiful and fascinating woman of her time, lady Carlisle, was not, according to the same authorities, the only connexion of that nature which the patriot had shown himself disposed to cultivate. But these accusations, though not without the colour of circumstances sufficient to give them a degree of plausibility, must be received with much suspicion. It is evident that Baxter could not have attached any material credit to that part of this impeachment which respected the convivialities of the table, and that he must have withholden his belief altogether from the remainder.

It is acknowledged that Pym brought admirable habits of business to his duties as a senator. In a short time he acquired a perfect knowledge of the forms of parliamentary proceedings; and added to the efficiency of a ready and powerful elocution the confidence inspired by his various knowledge, by his broad and deliberate views of public questions, his firmness of purpose, and his high moral courage. His style, moreover, was free from the conceits and quaintness of the preceding age, rising at times to the tone of a commanding eloquence, but characterised generally by that simplicity, directness, and nervous solemnity of expression, which are so natural to a man in earnest. He married early; but his wife died in 1620, and declining all hope of again realising the domestic happiness which he had previously enjoyed, he placed his children under guardians, and became from that time wedded to his country.

According to the treaty with the Scots, of which mention has been made, those allies of the parliament were to be paid a hundred thousand pounds as the means of an outfit; and on bringing twenty thousand men into England they were to receive twenty-one thousand pounds a month, beside a remuneration to be determined by circumstances at the close of the war. While the parliament was employed in this negotiation, Charles was not less diligent in seeking assistance from Ireland. The catholics in that kingdom, after the example of their Charles obtains assistance from Ireland. neighbours, had adopted a league and covenant, and had appealed to arms in its defence. They professed to be the steady friends of the king, and the determined foes of the intolerant parties in arms against him. But they were resolved to secure the free exercise of their religion, and they implored the monarch to grant them the immunities in that respect which had been conceded to his subjects of England and Scotland. Charles could make no open compliance with these terms, especially as they were proposed by the very men who were stained with the guilt of the late massacre: but it was generally believed, and very justly, that he had distinctly promised them "oblivion for by-gones, liberty of conscience, and all they desired for the time to come*." By this means, the monarch succeeded in concluding a treaty with the confederates, and in detaching a portion of

* Baillie, ii. 22.

the army in Ireland, that it might come to his assistance in England. He also obtained supplies from that country to the amount of thirty thousand pounds, partly in money and partly in provisions*.

In the month of January the Scots crossed the border; and several Irish regiments, on their way to join the royal standard, were defeated at Nantwich, in Cheshire, by the parliamentary general sir Thomas Fairfax. The timid and selfish in the metropolis were never more clamorous for peace than at the moment when these tidings arrived—but this seasonable encouragement enabled the parliament to silence all undue importunity on that subject †.

Near the close of the same month Charles assembled a sort of parliament at Oxford, consisting of the royalist members who had seceded from the two houses. The peers in Oxford

were forty-three in number, being one-fourth more than remained at Westminster; the commoners who continued to assemble there were somewhat more than two hundred; of those who had seceded one hundred and eighteen now made their appearance in Oxford. The Oxford parliament made proposals of peace in a letter addressed to the

Earl of Essex. But the two houses at Westminster expressed their displeasure on finding that Charles refused to address them as the parliament of England; and when they declined negotiating in any other character, the king taught them to judge with respect to the fate awaiting them, should they ever fall within his power, by concurring in certain resolutions of his parliament, which declared the whole of their former colleagues, and all who adhered to them, guilty of high treason. Three months later, the advocates of peace in the capital prevailed on the parliament to make further overtures for that object; but the conditions insisted on were such as manifested that the popular leaders had abandoned the thought of peace, except as preceded by conquest‡.

As the spring advanced, the movements of the two grand armies, assembled in the vicinities of London and Oxford, were watched with much interest. Essex and Waller marched towards Oxford, at the head of twenty thousand men; and the king, with a much inferior force, resorted to many skilful manœuvres, as the only means of escape from his pursuers, and for the purpose of gaining time. But Essex, jealous of Waller, and born, it would seem, to undo by the folly of one season what his wisdom and valour had accomplished at another, separated, with the greater portion of the army, and marched toward the west§.

* Rushworth, v. 548—558. 895—925. Charles endeavoured at the same time to obtain assistance from France through the medium of the French ambassador, but without success. Clarendon, Hist. iv. 325—329. Lords' Journals, vi. 245—456. *passim*. Commons, Sept. 14, *et seq.* Whitelocke, 71—76. *passim*.

† Rushworth, v. 222. 299—303. Whitelocke, 77.

‡ Rushworth, v. 559—602. § Ibid. v. 653—677. *passim*.

This proceeding relieved the king, who knew that he had little to fear from the diminished force under Waller. But the tidings from York; where the confederated Scots and English had shut in the army of the north, filled him with alarm. Should that city be taken, the loss of the northern counties would be inevitable, and the victorious army, joined to the army under Essex, would present a force which he could have no means of resisting. Prince Rupert was accordingly sent to the relief of York, and was assured by Charles, that nothing less than a decisive victory over the combined army besieging that place could save his crown. The prince entered the city amidst the loud exultation of the royalists, and about five o'clock in the evening of the Battle of next day marshalled his forces, consisting of twenty-three Marston Moor. thousand men, nearly half of them cavalry, upon Marston July 1.

Moor. The parliamentarians and Scots, in nearly equal strength, stretched their line on the opposite side of a small rivulet which separated the two armies. Each had gazed upon the other for some time in suspense, when the signal for the onset was given by the parliamentarians, whose left, commanded by Fairfax and Cromwell, pressed with such compactness and force on the right of the royalists, consisting of the cavalry, and great part of the infantry, under the command of the prince, that a complete rout ensued. But on the right the scale turned on the side of the royalists, who broke the ranks of the Scots, and chased them with much slaughter to a considerable distance. On returning to the spot where the conflict had commenced, the victorious divisions of both armies were again confronted with each other, each now forming their line on the ground which a little before had been occupied by their enemies. The signal for battle had been given at seven o'clock; it was nine when this renewal of the conflict began. But the fortunes of the day were soon decided:—the royalists gave way at all points before the impetuous valour of their opponents; and as their retreat to York was now cut off, their baggage, their artillery, and a considerable number of prisoners, fell into the hands of the victors. The battle of Marston Moor totally destroyed the power of the king in the northern counties, partly by the direct loss which it inflicted, and partly by the disunion which it occasioned among the royalist leaders*.

At this juncture, nothing but the obstinacy and misconduct evinced by Essex, could have saved the king from at once becoming Capitulation either an exile, or a captive in the hands of his subjects of the army who were in arms against him. In the hope of destroying under Essex. the power of the royalists in the west, the parliament general Aug. extended his operations to the heart of Cornwall, and allowed himself, by some strange oversight, to be cut off from communication with the capital, and hemmed in by the accumulating force of his pursuers. His

* Rushworth, v. 623. 631—636. Evelyn's Memoirs, ii. Ap. p. 88. Clarendon, Hist. iv. 509, 510. Baillie, ii. 36—41. Whitelocke, 89.

error was irretrievable ; he was indebted to flight for his personal safety, and nearly the whole army under his command was obliged to capitulate*.

This event completely restored the hopes of the royalists. It was soon followed by the third battle of Newbury, in which the strength of both parties was engaged. The parliamentarians claimed the victory, but the issue of the conflict was not greatly in their favour ; and in consequence of dissensions which had been for some time growing between their leading officers, they not only remained stationary, instead of following up their supposed advantages, but shrunk from the regular action to which they were challenged by the king about a fortnight afterwards†.

These indications of timidity or indecision were the result of causes of which distinct mention should be made. While in one division of the army, the jealousy which subsisted between Essex and Waller had proved the occasion of material inconveniences and losses ; in another, commanded by the earl of Manchester, formerly lord Kimbolton, there were differences relating to great principles and public measures, which were daily kindling the most dangerous passions, and threatened the destruction of the cause which the several parties were pledged to support. Manchester had become a favourite with the parliament and the people from his being the only peer impeached with the five members. He accepted the office of commander with reluctance, his modesty and judgment being such as to render him by no means insensible of his deficiencies in that capacity. He was a presbyterian, and his great fault as such was in allowing himself to be prevailed upon so as to favour the intolerant schemes of that class of religionists in both kingdoms.

But the controul of this division of the parliament army did not rest with Manchester, so much as with the person who was second in command ; and that person had learnt to affirm on all occasions, that men should be left to a full liberty of conscience in the worship of their Maker. This individual was Oliver Cromwell, the near kinsman, and sincere disciple of the lamented Hampden. Cromwell's first seat in the legislature was as member for Huntingdon in 1640. On the meeting of the Long Parliament he was returned for Cambridge. His dress was at that time so plain, and so little according to the taste of the age, as to be a topic for merriment with the younger and more fashionable members of the house who were called to listen to him. But the mirth of that class of senators was restrained as they witnessed the impression which this homely stranger could produce by the vigour of his understanding and the energy of his appeals‡.

* Rushworth, v. 677—698.

† Clarendon, iv. 582—594.

‡ Warwick.

At the commencement of the war, Cromwell had raised a troop of cavalry, consisting exclusively of freeholders, or of the sons of such persons—men who understood the ground of the present quarrel as it respected the constitution, and who were prepared to contend for religious, as much as for civil freedom *. Their leader secured their obedience by meriting their confidence and attachment, and at the time to which we now refer he had risen before them to the rank of lieutenant-general.

The protection which Cromwell extended to the independents had brought many of that sect, and of several others, to his standard—a circumstance which could not fail to provoke the jealousy and resentment of the Scotch presbyterians. That this new heresy—liberty of conscience—might be checked, and that the conduct of a man supposed to be no friend to the Scottish army might be under due inspection, the commissioners from the north contrived to place one of their trusty countrymen near the person of Cromwell in the capacity of major-general. The rivalry and dissension between Cromwell and this major-general whose name was Crawford, had been manifest, and had been shared considerably by their respective partisans in the army before the memorable battle of Marston Moor. It was said, and with some truth, that on that day the Scots under Crawford were more easily routed than brave men ought to have been; and the independents not only ventured to remind their brethren of the covenant of that fact, but attributed the victory, which nevertheless followed, to those qualities in their leader which some other leaders would do well to make their own. Crawford and Cromwell brought their accusations against each other before the committee of war, and the latter insisted that the former should be dismissed; but the more zealous presbyterians, particularly the chaplains, saw nothing but religious persecution in this treatment of Crawford, and Manchester, leaning to their side, soon became aware that he had excited the displeasure of Cromwell†.

In truth, the situation of Cromwell at this moment was one of considerable danger. He had become an object of jealousy with the Scots, not only from his opinions respecting toleration, but on account of some contemptuous expressions in which he had indulged concerning them as a people. Essex regarded him with suspicion; and Manchester, who could appreciate and admire his genius while acting in concurrence with him, looked upon him with alarm when he seemed to be placing himself

* Whitelocke, 72.

† Baillie, ii. 36. 40. 49. 60—62. 66. Baillie is indignant that the courage of his countrymen should be questioned, but in his private communications he clearly admits something of this nature. He congratulates lord Eglington on acquitting himself "with so great honour, when so many in cowardice fell in disgrace worse than death.—Shame hath fallen on particular men when they turned their backs who were most obliged and most expected to have stood still." The first hundred pages in Baillie's second volume are full of allusions to these disagreements in the army.

terest. The self-denying ordinance passed the upper house on the third of April, and it was to take effect at the end of forty days from that date. When that interval drew near its close, Cromwell, who had been occupied in the neighbourhood of Salisbury, joined the parliament army under Fairfax, then quartered near Windsor. On the day following, Fairfax received a command from the committee of both kingdoms, requiring him to send Cromwell into Oxfordshire to prevent a junction between the king's army and a body of cavalry under the command of prince Rupert. Cromwell discovered the enemy, consisting of four regiments, near Islip bridge in that county, and putting them to flight, he slew many, possessed himself of the queen's standard, and returned with about two hundred prisoners. He was then sent to protect the associated counties, the royalists having assembled in considerable force in their neighbourhood, while the Scots, dissatisfied with some recent proceedings, refused to advance southward. The first order from the committee to the army under Fairfax was, that it should march into the west; but the lord general was soon called from Taunton to watch the motions of the grand army under the king, which moved in the direction of the midland counties. In prospect of an engagement, which would probably decide this great controversy, Fairfax was anxious that his cavalry should be placed under the command of Cromwell. He wrote to the parliament to that effect, and Cromwell was immediately required, by a vote of the two houses, to join the grand army near Northampton. He did so on the thirteenth of June, and on the day following the battle of Naseby was fought. The victory of that day was mainly attributable to his courage and capacity; and the respect entertained for his services, as well as the probability of their being as important in the future as they had been in the past, produced a further suspension of the ordinance from time to time in his favour*.

In the spring of this year Charles left Oxford with an army of ten thousand men, a force more considerable than its numbers would suggest, as the cavalry were more numerous than the infantry. Early in June, Fairfax marched in search of the royal army, and was no sooner joined by Cromwell than he advanced upon the rear-guard of the royalists near Harborough in Leicestershire. This decisive movement spread the utmost joy through the ranks of the parliamentarians. The cavaliers had sneered at the "new model," from which so much was expected, calling it the "new noddle." The presbyterians had predicted every sort of evil as about to result from entrusting so important an enterprise in so great a measure to sectaries; and some old soldiers who had been removed by the late ordinance professed to see the utmost danger as attendant on this strange substitution of rashness for discretion, and of fanaticism for ex-

* Rushworth, vi. 16, 23—25, 27, 30, 34, 37, 39. Whitelocke, 144. The ordinance was dispensed with for a time in favour of several other persons. See Whitelocke, 140, 146.

perience. These reflections had haunted the imaginations of the Independents, and their kindred sectaries for some time, making them long for the hour in which they might put their many adversaries to scorn by such proofs of their skill and prowess as it would not be in the power of any to gainsay. That hour was now at hand.

Charles would have declined an engagement until strengthened by some reinforcements which were on their way to join him, the advantage of numbers at present being on the side of his opponents; but the passions of his followers made them deaf to the suggestions of prudence. The two armies faced each other near the village of Naseby. The infantry of both was placed in the centre, their wings being formed as usual of cavalry. The attack was made with much order and courage by the royalists, and their right wing, under the command of prince Rupert, after some vigorous checks from the men under Ireton, carried every thing before them, pursuing the fugitives to some distance from the field. But the right wing of the parliamentarians, under the command of Cromwell, sustained the shock of their assailants, and, shouting aloud the name of their leader, dispersed or trod down their enemies in all directions. Cromwell possessed a self-controul which Rupert was never to learn: leaving several troops to prevent any rallying of the enemy, he returned to the field with the main body of his followers, and falling upon the rear of the royal infantry, gave a complete victory to the arms of the Parliament. The royalists never fought with more heroic valour, and had never experienced so total a defeat. Charles himself displayed great courage, and when all reasonable hope of victory had ceased, was with difficulty withdrawn from the contest. Those who fell in the field were little more than six hundred; but more than four thousand, including a large proportion of officers and distinguished persons, were made prisoners. The king also lost, on that day, nine thousand stand of arms, and the whole of his artillery and baggage, also his private cabinet, containing papers which it was of the utmost importance to have saved from the hands of his enemies*.

* Rushworth, vi. 42—49. Clarendon, v. 183—186.

CHAPTER IX.

Disunion among the leaders of both parties—Character of the Royalists and Parliamentarians who were most distinguished in supporting or conducting the war to this period—Diversity of character every where called forth by the conflict—Methods of raising money—Ecclesiastical affairs—Relative position of the Civil and Ecclesiastical power—Assembly of divines—Erastians—Presbyterians—Independents—New Directory—Proceedings against the Clergy—Trial and death of Laud—Treaty of Uxbridge—Depressed state of the Royalists—Publication of the King's letters—Propositions for Peace—Change in the state of Parties—Messages from the King—Commission of Glamorgan—New overture from the King—Charles leaves Oxford, and surrenders himself to the Scots.

THE battle of Naseby produced a marked change in the relative position of the king, the parliament, and the army, and served to give the appearance of truth to those complaints which had ascribed the long continuance of the war to the want of vigorous conduct on the part of the parliamentary generals.

Nothing but experience and necessity, it seems, could teach even the long parliament that there are seasons in the history of nations when capacity is much more important than rank. No student of history will have been surprised to find the camp of the parliamentarians the seat of those dissensions which led to that new disposition of military power of which this victory was the early fruit:—the same circumstances have rarely failed to produce them. Differences as numerous and considerable pervaded both the court and camp of the royalists. Our authorities relating to those times abound with proofs of this fact. The men who followed the royal standard well knew that in this respect they could cast no stone at their opponents. The royal army, no less than that of the parliament, consisted of voluntary soldiers, who were to be humoured rather than commanded. There were parties about the king's person who were ceaseless advocates for peace, and there were others who called as constantly for war; and while some maintained that the laws of the land should be suspended during civil commotion, many insisted on an observance of those laws, in all possible cases, even at such times. Charles frequently exercised his ingenuity to free himself from troublesome attendants, and it sometimes required his utmost patience to bear with such as were not to be dispensed with.

Our account of this memorable struggle has been hitherto for the most part of a general nature; but it may be well in this place to take a review of the character of the persons who, until this period, had been most prominently engaged, either in the actual prosecution of the war, or in devising the means by which it was carried forward. On both sides, the leading men were of those two classes, or at least so much so that misunderstandings frequently arose with regard to the degree in which

persons who were chiefly occupied in civil affairs should be allowed to interfere with the course of military operations.

Charles appears to have excited some dissatisfaction in the mind of Clarendon, and of some other persons, by the preference which he generally manifested with regard to the opinion of the military chiefs, the principal of whom, through the greater part of the kingdom until this time, were Ruthen the general, recently created earl of Brentford, prince Rupert, the lords Wilmot and Hopton, and sir Jacob Astley. In his consultations with these persons, the king had been accustomed to require the presence of lord Digby, secretary of state, and of sir John Colepeper, master of the rolls; the remaining members of the privy council being rarely admitted to those conferences which related to military affairs.

Ruthen was made field-marshal on the death of the earl of Lindsay, who fell in the battle of Edgehill. He was confided in as an officer of unquestionable courage, and of much experience, ^{Character of Ruthen, the commander-in-chief.} having distinguished himself during a long service in the German wars. But at this period, his capacity, which had never been characterised by vivacity or readiness, was much impaired, in consequence, in a great degree, of the habit into which he had fallen of excessive drinking. His mind had never received the benefit of anything above the rudest elements of education; he spoke little, and though he is described as a person of integrity, his principal virtue appears to have been that of a faithful mercenary, the avowed or supposed wishes of the monarch, more than any regard to public principle, being the guide of his decisions. He was wounded in the second battle of Newbury, and prince Rupert, the nephew of the king, was then raised to the chief command*.

This person, so distinguished in the military affairs of the civil war, possessed considerable parts, but had passed his days amidst Prince Rupert the politics and contentions of Germany, which were by no means favourable to the culture of his mind, or to his acquaintance with the state of society in the country of his mother. No amount of exertion seemed to diminish his physical energy, but his impetuous courage often needed the curb of discretion. The want of reflection, which always left him to the guidance of his first impulse in the field, was obvious in his whole conduct; so that from his natural temerity, his ignorance of the real character of political parties in England, and his frequent regardlessness of the courtesies due to those with whom he acted, together with his manifest scorn of what might be thought or said by almost any person concerning him, he failed not to call forth enemies

* The character of the persons to whom reference will be made in this place is given as the result of comparing the accounts supplied by Clarendon, Warwick, Ludlow, Hutchinson, May, and Herbert.

at every step of his career. He sought nothing less than to destroy the power of the parliament, and to place the king in circumstances that might enable him to restore peace on his own terms. In this policy he found himself opposed by persons of the greatest wisdom and authority among the royalists themselves, who saw no hope of permanent tranquillity except from a peace founded upon some equal adjustment of the questions at issue. In short, the character of prince Rupert was that of a mere military adventurer, who not unfrequently sacrificed by the rashness of a moment, what he had secured by the skill and courage of many days. The conduct of Charles in committing the chief command to such a person, has been censured by his apologists as among the principal causes of the disastrous issue of the civil war.

Prince Rupert and lord Wilmot were almost constantly opposed in opinion to each other. They agreed, however, in maintaining that
 Lord Wilmot. military proceedings should be regulated by military men only. Both were ambitious in their aims, and haughty in their manner of pursuing them; but Wilmot kept his pride under much better controul than his rival, and as he excelled in all the parts of good fellowship which characterised the finished cavalier, he attached to himself a large party in the army, particularly among the cavalry. In the absence of Rupert, and as the faculties of the general were found to give way, Wilmot's chief opponents were Digby and Colepeper, and he accordingly employed every artifice to undermine the authority of those councillors both with the general and the king. But though the wit and address of Wilmot made him acceptable to a numerous class of persons, no man of discernment could place confidence in his judgment, or in the stability of any of his plans. He not only wanted the comprehensiveness necessary to take an extended view of affairs, but the patience which might have enabled him to understand the particular points to which his attention was directed. He was, however, very zealous in endeavouring to promote a peace by adjustment, rather than by conquest; and on this account, in part, he became subject to some suspicions and slights, which led about this time to his withdrawing from the war. Lord Wilmot is the person whose irregular life made him but too notorious in the reign of Charles the second as lord Rochester.

Opposed to the rash or light counsels of Rupert and Wilmot, were the more wise and patriotic views of Hopton and Astley.
 Sir Ralph Hopton. Hopton is described as a man superior to any temptation.

"He abhorred enough," says Clarendon, "the licence and the levities with which he saw too many corrupted. He had a good understanding, a clear courage, an industry not to be tired, and a generosity that was not to be exhausted; a virtue that none of the rest had." His great fault was, that he not only formed his opinions slowly, but was liable to distrust his judgment even after he appeared to have decided. It was this want of promptitude and steadiness which prevented his rising to so

responsible a trust in the army as might otherwise have been safely committed to him. At the commencement of the war he armed a troop of horse at his own charge, and soon rendered important service to the royalist cause in the western counties. He was made general of the ordnance a short time before the battle of Naseby.

Sir Jacob Astley was major-general of the foot, and excelled in those qualities in which Hopton was deficient. But though prompt and energetic in action, he was a man of few words in council, and frequently complained that the time which might have been so much better employed should be so often wasted in long and passionate debates. It is reported of this gentleman, that before leading his men to the charge at Edgehill, he was seen lifting his eyes toward heaven, and heard to say—"O Lord, thou knowest how busy I must be this day;—if I forget thee, do not thou forget me:"—a prayer which bespoke the rationality as well as the fervour of his piety.

The name of lord Digby occurs repeatedly in our narrative. He was the eldest son of the earl of Bristol. The treatment which his father had received from the court appears to have filled him with resentment; and to the period of the death of Strafford he brought a masculine eloquence to the support of the popular cause. But the boldness of his imagination, and the force of his passions, which contributed not a little to his efficiency as a speaker, betrayed him into a preference of extravagant measures as a politician, and made his subsequent alliance with the royalists, upon the whole, rather injurious than advantageous to the interests of that party. The more judicious of his contemporaries soon learnt to regard him as an apt illustration of the saying of lord Bacon, that "there are some things which have more wonder in them than worth." Great care had been bestowed on his education; and such were his parts and acquirements, that he had pertinent observations to make on nearly all subjects. But the romantic schemes which he was continually forming, rarely met with approbation when communicated to others; and the circumstance of his having been obliged to abandon them so frequently when made known, disposed him to conceal his projects as much as possible, until the moment for carrying them into effect approached—a practice which made him a most dangerous person to be near the king, inasmuch as Charles was generally inclined to entertain new suggestions, though he as commonly began to hesitate the moment he was called to act upon them. Ambition may be said to have been the ruling passion of lord Digby, but an ambition which, from its being connected with some weakness of principle, and a greater weakness of judgment, along with much energy of temperament in all other respects, partook of an eccentric vanity, producing a ceaseless anxiety to make himself the object of applause and wonder. Not long subsequent to the battle of Naseby, Digby made an effort to join the standard of Mon-

trose in Scotland, a chieftain whose character bore in many respects a strong resemblance to his own, but who was more fortunate, for a season at least, in obtaining the sort of gratification which he coveted. Having failed in this attempt, Digby made his escape to the continent, where he attached himself to the exiled court, bestowed much time on the study of astrology, and at length became a catholic. He returned at the restoration, but from that period had little connexion with public life.

Sir John Colepeper, though now acting as master of the rolls, had been more conversant with military than with civil life. He did not possess the learning of Digby, but was distinguished by a ready elocution, by some warmth of imagination, and by the felicity with which he seemed to ascertain and report nearly every thing generally advanced either for or against any matter in discussion. But it sometimes appeared that he could better collect the judgment of others than determine his own. Though devoted to the support of what he deemed the just pretensions of the monarchy, he discovered little zeal in the cause of the church, and, on that account, was regarded after a while by the king as a person of no religion. His conclusions on most subjects were sound, and so well sustained by the reasoning through which he had arrived at them, that when positive himself, he rarely failed to produce conviction in others. But he was somewhat harsh in temper, was more deficient in urbanity than became a courtier, and needed all the aids to be derived from his understanding, his memory, and his command of language, to efface the unfavourable impression made by the natural roughness of his appearance and of his manner of expressing himself.

Such were the persons with whom the monarch had hitherto principally conferred with regard to military concerns. On general affairs, the other members of the privy council were consulted, their usual residence being at Oxford. These persons were, the duke of Richmond, the marquis of Hertford, the earls of Southampton, Leicester, Bristol, Berkshire, and Newcastle, and the lords Dunsmore, Seymour, and Saville, beside the secretary Nicholas, and others of less importance.

The duke of Richmond was nearly allied to the king, who had provided for his education, settled much wealth upon him, and given him in marriage the only surviving daughter of the late duke of Buckingham. During his minority the duke had visited France, Italy, and Spain; and when the troubles in Scotland began, he took up such extreme views with regard to the rights of the crown, and discovered so much haughtiness and severity in his manner of expressing them, that few men were more obnoxious to the parliamentarians. His three brothers fell in the war. He lived himself, having spent no small part of his fortune in the contest, to attend the remains of the king when deposited in the royal chapel at Windsor. Those who possessed the best means of judging with regard to the character of this nobleman

Sir John Colepeper.

Duke of Richmond.

describe him as a person of good general understanding; but decided as he was with respect to the end to be pursued in the dispute between the king and the parliament, he appears to have been often diffident concerning the means by which it should be prosecuted, and failed, in consequence, to exert any considerable influence on the course of affairs.

The marquis of Hertford was a person of large wealth, and of considerable learning. In the early days of the long parliament he gave his willing support to the labours of the patriots, ^{Marquis of Hertford.} and the integrity and hospitality which had marked his general conduct fully entitled himself to the popularity which he every where possessed. But though he had married the sister of the earl of Essex, and his connexions had been formed principally among the leaders of the constitutional party in both houses, he withdrew to the court as soon as the fate of Strafford was decided. With his change of politics he lost his local influence, the body of the people in the parts where he was best known continuing steady in their adherence to the parliament, so that he sacrificed the pleasures of a country life, to which he had always shown a strong attachment, without being able to render the service he intended to the cause which he had espoused. Had his influence proved greater, his natural love of ease would have prevented his making the best use of his advantages. His deficiency in this respect was the only exception taken to him when appointed in 1642 to superintend the education of the young prince of Wales. It should be added, that the marquis of Hertford, lethargic as he was in his general habits, never betrayed any want of courage or activity in the field.

The earl of Southampton was also one of the most popular noblemen of his times. He had been much dissatisfied with the course of the government previous to the meeting of the ^{Earl of Southampton.} long parliament, and particularly with the conduct of Strafford. But though a party to the trial of that grand delinquent, he shrunk from the conclusion to which it was carried, and joined with those peers and commoners who soon after the death of that offender withdrew to the king. He manifested the greatest anxiety to prevent the unsheathing of the sword, perceiving more clearly than almost any other person, that if once drawn, it would be impossible to say when, or in what circumstances, it would be restored to its scabbard; and when the hour which he deprecated had arrived, his voice was heard on all occasions, beside that of Falkland, in the call for peace. His object was to aid the crown—not that it might triumph over the parliament; but that it might become strong enough to secure to itself that degree of power which he regarded as most in accordance with the harmony of the constitution, and the general welfare. The understanding which he brought to the assistance of this course of policy was at once ready and comprehensive, and few men were capable of expressing themselves at the moment with greater clearness and ability.

The earl of Leicester had been little in England previous to the beginning of these unsettled times, and partly from that cause, and from his being much more a student than a man of the world, he was so liable to change his judgment with the shifting aspect of affairs, that though designed at one period for so important a trust as the viceroyalty of Ireland, he was gradually laid aside by the court as a person of whom no use could be made. Those who knew him best were most satisfied that his principles were those of a sound royalist, and of a man of honour, and that all the suspicions cast upon him were the natural result of his want of experience and firmness.

The name of the earl of Bristol is too intimately connected with the story of the Spanish match, and of the early parliaments under Charles I., to be unknown to the reader. This nobleman is described as a person of commanding presence, of great moral and physical courage, and as possessing strong natural faculties, improved by education, and by much experience in affairs. But he was too voluminous in debate to be listened to with interest, and too frequently betrayed superciliousness and passion when opposed. He was committed to the Tower by the popular party, on account of some strong expressions uttered by him in the upper house; and on being released a day or two afterwards, he deserted the party with whom he had hitherto acted, and became a determined royalist. But his influence at Oxford was never considerable. At the close of the war he retired to France, where he ended his days. Even his son, lord Digby, is said to have been wanting in respect for his judgment as a member of the privy council.

The earl of Berkshire was a nobleman without power himself, and without the means of influencing others. William Cavendish, earl of Newcastle, was a person of more consideration, but unequal in many respects to the important affairs which circumstances assigned to his management. He was one of that numerous class of persons whose conduct in this struggle was not influenced by any clearly apprehended public principle, so much as by certain accidental notions and feelings, derived from education and temperament. He was much more a man of accomplishments than of ability, and inclined to seek his gratifications in music and poetry, and the softer pleasures connected with them, rather than in acquiring any real knowledge of questions of state, or of the tactics of war. His courage, however, was never disputed; and in such a controversy, it appeared to him highly proper that a person of his station should take his place on the side of the monarchy and the church, not only as he had been taught to look on these as the natural support of each other, but on both as necessary to the greatness of his own order. The earl of Newcastle, accordingly, was among the peers who were earliest in declaring themselves on the side of the king,

and his large wealth was freely employed in the equipment and maintenance of troops, in order that the northern counties might be retained in obedience to him. His operations were confined to those parts, nor was he to be removed from them by instructions from Oxford, or his movements there to be much regulated by commands from that quarter. In the case of both parties, and from the commencement of the war, this want of subordination among the chiefs extended itself on many occasions to the ranks. In this instance, it produced such material disagreement between the earl and prince Rupert on the eve of the battle of Marston Moor, that the former resolved, after the fate of that day, to leave England, and to await the issue of the contest at a distance. He possibly despaired of seeing any favourable result after that event; and was not, perhaps, sorry to find a plausible occasion on which to withdraw himself from the restraints and hardships of a course of life for which he had been so little prepared by his previous habits. The earl of Newcastle was also one of those persons whom the parliament exempted from its proposed act of oblivion, when negotiating with the court.

Lord Dunsmore was a person of restless passions and weak judgment, rough and unpleasant in his manners, generally discontented himself, and disposed to employ himself in exciting the same feeling in others. The little credit which he possessed he owed entirely to his connexion with the earl of Southampton, that nobleman having married his daughter. Lords Duns-
more, Sey-
mour, and
Saville; sec-
retary Nicho-
las.

Lord Seymour was much esteemed, and possessed some influence, but was attached to the sort of duties which had made him popular as a country gentleman, more than to such as were demanded of him by the state of public affairs. Lord Saville, whose early apostacy from the popular cause has been mentioned in another place, found his reward in being made controller, and afterwards treasurer of the household. When the king appeared at York, lord Saville was forward in his professions of loyalty; but though his wealth and interest lay in that quarter, those most dependent on him refused to obey his summons, and many of the local gentry could not be induced to hold communication with him. He was admitted for a time to the deliberations at Oxford, but his restless ambition, connected as it was with every excess in duplicity and falsehood, made him, in the end, an object of contempt with all parties. Nicholas, one of the secretaries of state, was a person of integrity, industry, and knowledge of business, and on account of the two last qualifications was of eminent service to those with whom he acted.

Among the more considerable persons who had formed part of the king's privy council, but who remained with the parliament at the crisis of the king's separation from it, were the earls of Northumberland, Pembroke, Essex, Salisbury, Warwick, Holland, and Manchester, and the lord Say. The names of these personages are of such frequent occur-

rence in the history of the times now under review, that the course of events is not likely to be sufficiently intelligible without some nearer acquaintance with their character and personal history. There are other names, indeed, which appear as often; but the character of many of those persons is indicated considerably in the account given of their conduct; and of others, more particular mention will be made in the sequel.

The house of Northumberland traced its descent by the paternal stock from Charlemagne. The father of the present earl was imprisoned on suspicion of being privy to the gunpowder treason, and had little reason to look on the house of Stuart with any measure of affection. His son, who, some time after the accession of the present monarch, succeeded to the title and ample fortune of his family, was a person of graceful appearance, and remarkable on account of the great regularity of his personal conduct, and the decorum of his household. He was not a man of many words, either in private intercourse or in public discussion; but on important questions he rarely failed to speak with marked pertinence, and with a self-possession and deliberation which added great weight to his remarks, and assisted, perhaps, in procuring him the reputation of being an able and a wise man. Charles endeavoured to attach him to the court by conferring upon him the order of the garter, admitting him to the privy council, and, in 1636, creating him lord high admiral of England. But when the king withdrew to York, Northumberland continued at Westminster—a course of proceeding which his enemies censured as manifesting deep ingratitude, and which they knew not how to explain, except by attributing it to a feeling of pride, that could not do homage to a superior even in the person of the sovereign. The more rational conclusion, however, is, that Northumberland had witnessed so much in the case of his father, and in other instances, of the evils to be apprehended from a government by prerogative, that he was sincerely desirous to see that power placed under a more rigorous control than comported with the doctrines of the court. In ecclesiastical affairs, he became the advocate of a full liberty of conscience, and, on that account, sided with the independents, though anxious at the same time to preserve the great principles of the constitution both in church and state.

The earl of Pembroke was a person of large wealth, which enabled him to live magnificently, and gave him great influence, both in parliament and in the places with which his property connected him. From the accounts of his enemies we may gather that he was a nobleman of popular manners, and somewhat deficient in that stately bearing which was so observable in the earl of Northumberland. According to the same authorities, his conduct in sanctioning the proceedings of the parliament so far as to call upon his dependents to arm in its defence, and as to accept the

government of the Isle of Wight from its hands, must be ascribed to his weakness, timidity, and want of steady principle. But such representations must be received with much abatement. It is certain that there are anecdotes recorded of him which are much opposed to so low an estimate of his character. He placed much confidence in the judgment of lord Say; and in private life, as well as in parliament, he appeared to enter fully into the feeling of opposition to the arbitrary measures which had characterized the government previous to the meeting of the long parliament.

The earl of Essex was a nobleman in high reputation, even among the party to which he was decidedly opposed. He avowed himself willing to peril his life in defence of the general freedom demanded by the parliament, but without the remotest intention of favouring any change that should appear to him hazardous either to the civil or the ecclesiastical constitution. He would have abridged the power which the prelates had exercised so oppressively; but his attachment to the protestant religion had led him to engage in the Palatine war, and subsequently in the service of the United Provinces. Since his return to England he had been made chamberlain of the household, being one of the several persons in the popular party who were called to office as an expedient of conciliation a little before the death of Strafford. His call to the rank of commander-in-chief, by the unanimous vote of the two houses, was a proceeding highly approved by the parliamentarians generally, nor did he fail to discharge the trust reposed in him with fidelity and courage. But his policy, in common with many more, was not so much to conquer as to weaken the enemy, and to bring about a settlement that should not be the result of arbitrary dictation on either side. The course of events, however, ere long discovered that this method of proceeding could lead to no desirable issue; and it was to rescue the cause of the parliament from the great danger to which the indulgence of this delusive hope had exposed it, that the self-denying ordinance was passed which removed Essex from his station as commander-in-chief. Though his experience of the effect of that measure was only in common with others, it is not to be doubted that the adoption of it was by no means acceptable to him, and the two houses endeavoured to allay his displeasure by strong expressions of obligation to his services. Nor did he ever evince the slightest inclination to desert their cause. His death happened in the spring of 1646, when the parliament honoured him with a costly funeral. We learn from his opponents that he was a man without any ambition of titles or preferments, and incapable of acting dishonourably towards friend or foe. It is admitted further, that he was constant and ingenuous in his friendships, his faults consisting, according to his adversaries, in a too great anxiety to be treated kindly, and spoken well of, and in a weakness of judgment, which not only prevented his seeing the questions in dispute in their proper light, but allowed him to suppose that it would be in his

power to retain the elements of civil contention within such bounds as he was himself disposed to prescribe to them.

Of the earl of Salisbury, little more need be said than that neither the care bestowed upon his education by the great minister of the last reign, from whom he derived his titles, nor the recollection of the yet greater statesman who was his grandsire, was sufficient to inspire him with any measure of their ability or firmness. He was a person always borne away by the chance current of the hour.

The earl of Warwick had always been a stranger to the court, and owed his recent connexion with it as a privy councillor to the power of his party, and not at all to the inclination of the sovereign. His house had been an asylum to the puritan ministers, when silenced and persecuted by the prelates; and it was his custom to attend their religious meetings. But nothing could be farther from his own habits than the sectarian gravity, the quaintness, and the other little peculiarities, to which so much importance was attached by the men whom he thus took under his patronage. His wit, and his powers of conversation, always rendered him a pleasant companion, though both were so little restrained, on some occasions, that it required all the charity of the puritans to reconcile his indulgences in that respect with any true regard to religion, while the royalists gave him little credit for virtue of any kind. When the earl of Northumberland relinquished the office of lord admiral, the earl of Warwick accepted it from the hands of the parliament. He retained his place in the upper house as long as that body continued to assemble, and, at a later period, cemented his friendship with Cromwell by giving his eldest son in marriage to the daughter of the protector.

The earl of Holland was younger brother to the earl of Warwick. He had been engaged in two or three campaigns with the army of the United Provinces, which formed at that time a usual part of the education of a young English nobleman. Subsequently, his handsome presence and agreeable manners procured him the favour of the late king, which he contrived to retain without exciting the jealousy of Buckingham. Through the patronage of that favourite, he became possessed of an ample fortune by marriage, was elevated to the rank of baron of Kensington, and created earl of Holland. After the death of Buckingham he attached himself to the queen's party in the court, and at the time of the Scottish invasion was employed in some military trusts, in which he acquitted himself with little or no credit. His subsequent defection from the court, and connexion with the leaders of the parliament, must be traced to the wounded passions of the courtier, more than to any better cause—leaving him without any real sense of duty to sustain him under the reproaches that were cast upon him by the king, the queen, and all his former connexions. But the position assigned him by

the parliament after the commencement of the war was much below that to which he deemed himself entitled, and he suddenly withdrew to the king at Oxford; and being soon dissatisfied with the dubious reception which he obtained in the quarters of his old friends, he again returned to those of the parliament, where he found himself placed under arrest. We shall have occasion to advert to the rash conduct and melancholy fate of this nobleman, and need only add, that the inquietude of his life, and the calamity which marked its close, were the effect in part of a weak understanding, but much more of a deficiency in moral principle.

The earl of Manchester is first known in the history of his times as lord Mandeville, and afterwards as baron of Kimbolton.

For this last title, which admitted him to the house of peers Earl of Manchester.

in the lifetime of his father, he was indebted to the influence of Buckingham, with whom he became connected by marriage. After the assassination of the duke, which was soon followed by the death of lady Kimbolton, he married a daughter of the earl of Warwick; and having previously absented himself from the court, partly in consequence of the smallness of his fortune, and partly, as we may believe, from a feeling of dissatisfaction with its course of proceeding, he by degrees adopted the views of the popular party, and soon became so conspicuous in connexion with its movements as to be the only peer who was impeached with the five members. That proceeding did much to confirm him in his distrust of the king, and to place the cause of the parliament before him as that of justice, freedom, and religion. The decision with which these views were formed, and the boisterous scenes with which he afterwards became familiar, were not suffered to impair the mildness and generosity of his temper, or the great urbanity of his manners. He never forgot that the party to which he was opposed consisted of his countrymen; and such as fell into his hands, whether found to be old friends or strangers, received from him every expression of sympathy compatible with the position in which he stood toward them. No member of the upper house received more frequent or earnest assurances of the popular favour, and no man was more solicitous that the influence which that favour conferred upon him should be employed for the public good. But his error, both as a soldier and a politician, was in supposing that a moderate turn of the balance against the king would suffice to bring him to the terms of the parliament; and he shared in the dissatisfaction of Essex and others, when the self-denying ordinance was adopted as the fittest expedient to remedy the evils which his feeble policy in that respect had induced. The royalist writers insinuate that there were occasions on which even the earl of Manchester looked more to the character of the end than of the means: it is more certain that he saw little to approve in the course of affairs after resigning his commission, until called upon, nearly twenty years later, to concur in the restoration of the exiled family.

Lord Say began his political career toward the close of the last reign, when the duke of Buckingham, during the short period in which he affected the character of a popular minister, endeavoured to secure his services. But the favourite soon began to speak of the intelligence of his new coadjutor as the wisdom of a pedant, and of the changes which he recommended as much too extended to be entered upon with safety. Despairing of improvement through that medium, Say retired from all connexion with the court, and employed himself in watching and improving all circumstances which seemed to promise the required checks on the arbitrary temper of the government. During the twelve years that Charles governed without a parliament, no man did so much as lord Say to influence the conduct of the party who spoke of the suspension of such assemblies as an abeyance of their just and prescriptive rights. But it will be remembered, that at one period, so little prospect was there of those rights being restored, that Say was one of that small band of ardent spirits who had actually embarked with the intention of establishing a free commonwealth in the new world. We learn from those who were no friends to his memory, that he was a person of considerable scholarship, and that he never entertained the thought of overthrowing the monarchy, or of abolishing the distinctions of rank. It is not improbable, as stated by the same parties, that the feeling with which he had long regarded public affairs contributed to give an occasional roughness and severity to his manners. He was opposed to a government by prerogative in any form, but the ruling churchmen had always been the special object of his dislike.

The elder sir Harry Vane remained with the parliament in consequence of having fallen into irreparable disrepute with the court. The extent of his ambition had been to obtain moderate patronage in the latter quarter, and failing in that object he had not the ability necessary to prevent his sinking into obscurity.

So diversified was the character of the men who formed the king's privy council at the commencement of the war, and who were afterwards separated into the two divisions of parliamentarians and royalists. In this diversity also we see the counterpart of that which upon a close inspection would be found to characterize the great body of their adherents in London and Oxford, and in most of the towns and cities of the kingdom. We have an instructive picture in Mrs. Hutchinson's memoirs of the petty strife which prevailed just before this time among the parliamentarians in the town of Nottingham. Mention is made of a Doctor Plumtre, who was a person of some celebrity in the practice of his profession, but always liable to be carried away by his proud, selfish, and boisterous passions, and ever ready to avail himself either of craft or calumny in order to the accomplishment of his objects. This man, as the natural effect of his aversion to every sort of control, or in conse-

quence of some general notion that justice was on the side of the parliament, became loud and active in the cause of popular rights. There was also one Chadwick, who, by the aid of the utmost duplicity, of a voluble tongue, and of all possible acts of meanness, had risen from the place of trenchard-scraper to be recorder of the town. His money, which he generally acquired like a knave, he as commonly spent like a fool; and was an impure sensualist to a degree that does not admit of description. Chadwick, however, never ceased to boast of being a great patriot, and a great saint. These men found no unfitting ally in one captain Palmer, a presbyterian minister, whose intolerance and vanity disposed him to employ himself in destroying his enemies rather than in praying for them. The folly and turbulence of these disinterested worthies often threw the little commonwealth of Nottingham into confusion, and made it exceedingly difficult to preserve discipline, so as to give effect to military operations. But opposed to the infirmities and vices of such men were the good sense, the real piety, and the generous patriotism of Pigott, Widmerpoole, and Lomax; the untainted honour of the governor, colonel Hutchinson; the Roman heroism of his consort; and the wisdom in council and courage in action which gave so much dignity to the many virtues of Sir Francis Thornhagh—a gentleman who fell some years later at the battle of Preston, in the moment of victory, and whose last request was that his friends would stand aside and allow him to gaze on the tide of battle as it turned against the invaders of his country. But such are the varieties of character, and such the elements of disunion, that never fail to make their appearance in times of civil commotion, and which must always render it so difficult to prescribe to such movements, either the course which they shall take, or the point at which they shall stop.

Before we pass from this review of the civil and military affairs previous to the battle of Naseby, to consider the ecclesiastical proceedings which belong to the same period, it may be proper to mention some of the expedients adopted by the two parties for the purpose of raising a revenue. In the commencement of the war, the voluntary contributions of their respective partisans were of considerable amount, and, in some cases, bespoke the most generous enthusiasm. But the long continuance of the struggle was as contrary to the expectations of those who contributed to it, as of those who were engaged in it; and these spontaneous offerings soon gave place to the more regular supplies that were demanded in the name of the king or of the parliament through those parts of the country where their respective authorities prevailed. Loans also of large extent were obtained, upon the usual interest,—the parliament pledging the public faith; and the king his royal word, or portions of the crown lands, for repayment. The estates of delinquents formed another source of supply, persons who had distinguished themselves by their support of

Methods of
raising
money.

one party being liable to heavy forfeitures when falling under the power of the other. By advice of the parliament at Oxford, Charles issued his privy seals, and the sum thus obtained was not less than a hundred thousand pounds. But the parliament at Westminster derived greater and more permanent assistance from the laws of excise, which were introduced at this crisis merely as a temporary expedient. Without the wealth of the capital the cause of the parliament would probably have failed from the want of means, but its resources in that quarter always placed it on vantage ground in this respect as compared with the king *.

The ecclesiastical affairs of this period were various and important.

**Ecclesiastical
affairs: rela-
tive position
of the civil
and ecclesias-
tical power.** From the commencement of the civil war the greater number of the bishops were under impeachment, and the jurisdiction of that order was invaded at all points by the reforming spirit of the commons. But the commons could not need to be apprised that there must be some limit to their interference in ecclesiastical matters, and that the

clergy who had thrown off the yoke of their episcopalian masters with so much indignation, were not likely to prove altogether passive in the hands of the civil power unless very prudently managed. Those high church notions with respect to the province of the magistrate, which regarded him as little more than the servant of the church, were not altogether confined to such men as Laud and Cosens, or to their immediate disciples. Many of the presbyterian clergy had adopted the substance of them. It behoved the parliament, therefore, to proceed with caution in reference to this body; and, in fact, the conduct of both parties manifested considerable jealousy and circumspection. The majority of the present clergy, in escaping from the hands of the prelates, were not prepared to submit to a similar vassalage from the hands of the secular assemblies at Westminster; and those assemblies, on the other hand, while removing the old ecclesiastical authorities, which had been found so inimical to general liberty, were concerned that measures should be taken to prevent the establishment of any system that might tend to perpetuate the same evils. It will appear, however, that in the adjustment of these different pretensions at the present juncture, the balance of authority was, upon the whole, much in favour of the magistrate.

To gratify this pretension on the part of the clergy, and at the same time to intimate the bounds to which it must be restricted, it was arranged that an assembly of divines should meet at Westminster to deliberate on the affairs of religion, some-

* Rushworth, v. 71, 84, 85, 118, 124, 150, 309, 361. Charles not only adopted the excise, and other expedients, resorted to by his opponents, but issued proclamations prohibiting compliance with any tax imposed by the parliament, all trade with the capital, and even the payment of rents to persons in arms against him. Ibid. 313, 364, 365. Clarendon, iv. 52, 418.

thing in the manner of a house of convocation. The power of this assembly, however, was not in the least degree legislative, but strictly limited to counsel or advice; nor were its members to enter upon the discussion of any matter not proposed to them for that purpose by the lords or the commons. Their debates, moreover, on each topic were not to be made public until concluded, and no matter agreed to by them could be established or enforced without the sanction of the two houses of parliament. In this manner, that complete subjection of the spiritual power to the secular, which from the age of Elizabeth the commons had declared to be according to law, was fully exemplified. The church, whether governed by princely bishops or homely presbyters, was to be the dependent of the state; and the assembly of divines, beguiled apparently by the semblance of authority which their deliberative character conferred upon them, seemed to be content with this arrangement. The clergy admitted to the assembly, one hundred and twenty in number, were chosen equally from the different counties, and were indebted for their election to the nomination of parliament, not to any suffrage of their brethren. With these were associated ten peers and twenty commoners, and some other persons at the pleasure of the two houses*.

The prevailing sentiment of this body, judging from the result of its labours, was strongly calvinistic. On points of church government the diversity of its opinions accorded more nearly with the state of parties through the nation. Several prelates and episcopal clergymen were nominated to assist in its proceedings, but they soon relinquished the doubtful honour of attending. The presbyterians formed the great majority, and found their chief difficulty in contending with a small body of returned exiles, who had embraced the principles of the independents, and whose friends in parliament had important reasons for procuring their admission to this theological arena.

There was, indeed, a second party who gave the rigid presbyterians considerable trouble, consisting of persons who would not only have deprived the church of all secular jurisdiction, but would have made it dependent in all its internal proceedings on rules supplied to it by the civil power, protesting especially against the whole system of church censures except as sanctioned by the law of the magistrate. These principles, which not only allied the church with the state, but identified them, too much in the manner of the ancient Jew or the modern Arab, were those maintained by the Erastians, who found their defenders among the lawyers, particularly in Whitelocke and Selden †.

* Rushworth, v. 337—339. Baillie, i. 398, 402.

† Baillie, i. 420. In April, 1645, this writer observes:—"The most of the house of commons are downright Erastians; they are like to create us more woe than all the sects in England. This man (Selden) is the head of the Erastians; his glory

Clarendon affirms that most of the clergy admitted to this synod were
 The pres- “of no other reputation than of malice to the church of
 byterians. England;” but opposed to that statement is the testimony
 of Baxter, who, without obliging us to approve all their extrava-
 gances, would lead us to regard the assembly of divines as possessed
 of as much learning, and of more piety than had at any time dis-
 tinguished that portion of our ecclesiastical convocations which consisted
 of delegates from among the parochial clergy. But the writer who
 speaks of the presbyterians generally, so as to justify this conclusion,
 has added:—“I disliked the course of some of the more rigid of them,
 who drew too near to the way of prelacy by grasping at a kind of secular
 power, not using it themselves, but binding the magistrate to confiscate
 or imprison men, merely because they were excommunicated; and so
 corrupting the true discipline of the church, and turning the communion
 of the saints into the communion of the multitude, who must keep in
 the church for fear of being undone in the world. I disliked also some
 of the presbyterians that they were not tender enough to dissenting
 brethren, but too much against liberty, as others were too much for it,
 and thought to do by votes and numbers, what should have been done
 by love and reason*.”

The dissenting brethren to whom Baxter adverts as too much con-
 The Indepen- cerned for liberty were the independents, of whom Clarendon
 dents. says,—“they were more learned and rational than the pres-
 byterians, and though they had not so great congregations of the
 common people, yet they were followed by the more substantial and
 wealthy citizens, as well as by others of better condition.” Baxter,
 also, though rarely so much prejudiced as when touching upon sec-
 taries, observes of this body, that “most of them were zealous, very
 many learned, discreet, and godly men, fit to be serviceable in the
 church†.” The independent ministers in the assembly never amounted
 to more than ten or twelve, but these were all men practised in the
 work of discussion, and who, having exposed themselves to the suffer-
 ings of exile for liberty of conscience, were not to be dismayed in plead-
 ing for that liberty by the storms of the majority arrayed against them
 at Westminster. Baillie, one of their most violent antagonists, says of
 them:—“Truly they speak much, and exceedingly well: if the cause

is most in Jewish learning; he avows everywhere that the Jewish church and
 state were all one, and so in England it must be, the parliament is the church. If
 L'Emperour would beat down this man's arrogance, as very well he can, to show, out
 of the rabbins, that the Jewish state was diverse from the church, and that they
 held the censure of excommunication among them, and a double sanhedrim, one
 civil, and another ecclesiastical; if he would confound him with Hebrew testi-
 monies, it would lay Selden's vanity, who is very insolent for his oriental litera-
 ture.” ii. 96, 107. Whitlocke, 163, 164. Neal, iii. 116, 117, 236, 242.

* Life and Times. Part i. 140—143.

† Life and Times, Part i. 140—143.

were good, the men have plenty of learning, wit, eloquence, and, above all, boldness and stiffness to make it out*.”

The independents complained of the presbyterians, that, while so much opposed to any gradation in ecclesiastical offices, they insisted on the establishment of gradations in ecclesiastical authority; that, resisting the government of the church by bishops, deans, and archdeacons, they contended for its government by means of presbyteries, classes, and synods; and that, while they condemned the subjection of the congregations of a province or a nation to one man under the name of a primate as an invention of antichrist, they pleaded for the subjection of all the churches in a nation to a single tribunal called a general assembly, insisting that the decisions of that assembly should not only be binding on the absent, but enforced by civil penalties. In all this they professed to see great inconsistency, and the elements of the same system of oppression which it had cost so much blood and treasure to overthrow. They could agree with their opponents in depriving the national worship of the superstitious observances included in it; but no secret influence, no violence of opposition, could induce them to abandon the ground they had taken in declaring every christian congregation to be a church independent of all foreign controul, and in “avowing that, by God’s command, the magistrate is discharged to put the least discourtesy on any man, Jew, Turk, Papist, Socinian, or whatever, for his religion †.” Weeks and even months passed in discussions on this point, and still these men were in the field, amidst the fiercer onsets of their antagonists, loud complaints from Scotland, and frequent admonitions from the parliament.

When their adversaries were about to accomplish by votes what they had failed to achieve by other means, the weaker party narrowed their claims to one point, viz., that, whatever the established religion might be, it should not be without a provision for the toleration of those who conscientiously dissented from it. If the state, said they, must provide for presbyterianism, let it at least grant to independency the liberty to provide for itself. This proposal led to the formation of a committee, consisting of a deputation from the assembly, from the Scottish commis-

* Letters, i. 436.

† Baillie, ii. 18. “We hope, if once we had peace, with God’s help, and with the spirit of meekness, mixed with a little justice, to get the most of these erroneous spirits reduced. The independents have set up a number of private congregations in the city. We hope God will provide remedies for that evil, independency, the mother and true fountain of the church’s distractions here. As yet their pride continues, but *we are hopeful the parliament will not own their way so much as to tolerate it.*” Ibid. 24, 26, 49. So completely had these men imbibed the spirit of intolerance, that there was scarcely an act in the obtrusive tyranny of Laud himself which they were not capable of imitating. Thus the merchant adventurers were required to send the Covenant “to all of their company at home and abroad, and return the names of such as should refuse to take it;” and the same was to be done in the case of “all physicians, surgeons, and apothecaries in London, and the several counties.” Whitelocke, 88, 140.

sioners, and from the two houses, in whose hands this important and novel question became subject to new difficulties and delays, until the army was new modelled, and the battle of Naseby was fought. By the victory of that day the independents were raised to a position which would have made any public refusal of so reasonable a demand as dangerous, as it would have been ungenerous and unjust.

By this assembly a new directory of worship was adopted, which was approved by parliament, and substituted in the room of the prayer-book in the churches of England and Scotland. It consisted principally of instructions with respect to the manner in which the several parts of divine worship should be conducted, and also with respect to the ceremony of marriage, visiting the sick, and the service at funerals. The manner of performing those duties, indeed, was left in a great degree to the judgment of the officiating minister, but, at the same time, a considerable outline was supplied for his guidance*.

While this new directory was preparing other changes were taking place, which prevented its appearance from being a matter of surprise. We have seen that part of the price to be paid by the parliament for the assistance of the Scots was its adoption of the covenant. The oath required by that instrument, which was meant to bind its partizans in a relentless hostility against the late ecclesiastical hierarchy, was taken, with some reservations, by both houses, and was exacted frequently, though by no means universally, from the clergy. Many of the episcopalian clergy were deprived of their livings on the charge of their being scandalous ministers, and not unjustly. But men, whose only delinquency consisted in refusing to become parties to this covenant, were called "malignants;" and, on account of the malignancy said to be thus manifested with respect both to the gospel and the parliament, persons of this description were sometimes expelled to make room for others more conformable to the new standard of orthodoxy. Such sufferers deserve a place among the confessors of the seventeenth century no less than the puritans, whose religious scruples, though of a different complexion, had subjected them to the same evils. But, if we may credit Baxter or Fuller, two of the most honest writers in our language, and both contemporary with the events which they describe, the instances in which the episcopalian clergy were subject to such penalties purely as the consequence of their conscientiousness, were comparatively

* On this subject Baillie thus expressed himself to the general assembly in Scotland:—"That, in place of episcopacy, a Scotch presbytery should be concluded in an English assembly, and ordained in an English parliament, as it is already ordained in the house of commons; that the practice of the church of Scotland, set down in a most pious, wholesome, and prudent directory, should come, in the place of a liturgy, in all the three kingdoms; such stories lately told would have been counted fancies, dreams, mere impossibilities." ii. 87.

few. Baxter writes:—"In all the countries where I am acquainted, six to one, at least, if not many more, that were sequestered by the committees, were, by the oaths of witnesses, proved insufficient or scandalous, or especially guilty of drunkenness and swearing. This, I know, will not please the party, but I am sure that this is true*." Fuller, while justly sympathising with those who were sequestered "only for their loyalty," speaks of others as chargeable with offences that would not bear repeating, "crying to heaven for justice †."

Those arbitrary proceedings in ecclesiastical affairs which had produced so strong a reaction against the episcopal clergy at this period, had been carried to their furthest extent under ^{Trial and death of Laud.} the primacy of Laud. During somewhat more than twelve-months from the time when the primate was committed to the Tower, his name was scarcely mentioned; but a little subsequent to that time, an incident occurred which exposed him anew to the resentment of his opponents. The lords required him to confirm their nomination of a clergyman to a vacant benefice; another clergyman was nominated by the king, and the monarch prohibited the archbishop from complying with the demand of the upper house. The primate hesitated; the lords became indignant, and called upon the commons, more perhaps for the purpose of intimidation than from any intention of proceeding with such a measure, to prosecute their impeachment of the great ecclesiastical delinquent without delay. But the message was hailed with no ordinary delight by the Scots commissioners, by ^{1643.} many of the English Presbyterians, and particularly by ^{April 21.} Prynne, whose sufferings under the barbarous rule of the accused had been so merciless and revolting. This person was one of a committee appointed to collect evidence against the impeached prelate, and for this purpose he not only summoned a multitude of persons who had suffered from the real or alleged tyranny of the archbishop, but seized the private papers of the prisoner, including his diary, and a paper which he had prepared with a view to his defence.

The substance of the charges preferred against the primate was, that he had endeavoured to subvert the rights of parliament, to ^{March, 1664.} abolish the laws, and to change the religion of the kingdom. The evidence adduced in support of these accusations was of the most various description; its weight, however, as a whole, was such, that the lords declared these charges to have been proved; but the house also declared that these intentions should not, even when proved, be regarded as amounting to treason. The commons, in a conference

* Life. Part i. 74.

† Hist. Lib. xi. 207. Neal, ii. 68. Of the hundred included in White's First Century of Scandalous Ministers, eighty were convicted, by many witnesses, of gross immoralities, beside their disaffection to the parliament. Dr. Walker, in his Sufferings of the Clergy, had endeavoured to lessen the number of moral delinquents, but it is not more than seven or eight who have been at all served in their reputation by his labours.

with the lords, maintained that beside the treason against the king, which the statute law has defined, and of which the courts of law took cognizance, there was a treason against the state, determined by common law, and of which the court of parliament was the sole judge. On these grounds a bill of attainder was introduced, which adjudged the charges proved against the primate to be treason. The lords after much hesita-

tion, and by a small majority, passed this bill; and Laud,
 1645.
 Jan. 10. some days later, closed his restless career upon a scaffold, in the seventy-second year of his age.

This proceeding, in every view of it, reflects nothing but disgrace on the long parliament. It exhibited, in several respects, a wider departure from the forms usually observed in such cases than the attainder of Strafford, and without the plea of necessity, which greatly extenuated, if it did not justify, the sentence passed on that offender. The advanced age of the primate, his growing infirmities, and the wonderfully altered condition of public affairs, all contributed to render him an object rather of pity than apprehension, and to make it the policy of his enemies to leave him in the insignificance into which he had fallen. By proceeding against him as a traitor, they could not fail to raise him to the dignity of a martyr, and to create a sympathy in his favour in many quarters where it would not otherwise have existed. That he would have been a party to the introduction of popery, is highly improbable; but that he would have destroyed the constitution by causing the monarchy to usurp its place is beyond doubt, and his moral delinquency on this account was as great as could attach to any treason defined by statute; particularly as it stood connected with so many acts of oppression and cruelty. But no statute had pronounced such conduct to be treason, and the extreme measures resorted to for the purpose of bringing the primate within the penalties of that offence, inasmuch as no great public interest demanded them, deserve to be reprobated, as contrary to humanity, justice, and sound policy*.

About three weeks after the death of Laud, and a little more than four months before the battle of Naseby, the parliament, in compliance with overtures made to them by the king, sent commissioners to Uxbridge to negotiate with a view to the restoration of peace. The affairs of the king at that time were such as to afford him small hope of success from prosecuting the war. Negotiation would produce delay, and it would afford an opportunity moreover to increase the disagreement between the presbyterians and the independents, and possibly to attach the one or the other of them to his cause. The royal authority was not acknowledged in

* It was resolved after this bill of attainder was passed, as it had been on the passing of that against Strafford, "that no judge or judges should interpret any act or thing to be treason, in other manner than they should or ought to have done, if this ordinance had never been made." Such bills were not only confined, as precedents, to the parliament, but even there, were to be regarded more as warnings than as examples, as cases of exception rather than as the rule of its judicial proceedings.

more than a third of the kingdom, and the forces under the king were not only much inferior to those at the command of the parliament, but were weakened everywhere by division and insubordination, while their licentiousness and profanity made them the terror even of their friends. The claims of the parliamentary commissioners at Uxbridge, accordingly, were as formidable as they had ever been. The leading articles insisted upon were, the abolition of episcopacy, the substitution of the directory put forth by the assembly of divines, in the place of the common prayer, and that ever returning subject—the command of the forces. Episcopacy was made a question of conscience by both parties. On this account the king could not agree to its destruction, nor could the commissioners of the parliament agree to its continuance. Twenty-one days were spent in discussions on these points without anything being concluded, when the two houses recalled their deputation and put an end to the treaty. But enough had appeared in the course of these debates to show that while the presbyterians were favourable to the preservation of monarchy under the specified restrictions, the independents were beginning to entertain opinions hostile to its existence, and to the existence of any privileged class in the community.

If the independents began to entertain these views before the battle of Naseby, they would not be less disposed to do so after that event. From that period, to restore the monarchy by the sword was no longer regarded as possible. Depressed
state of the
royalists. Instances of resistance still occurred, but they had more respect to private interests than to those of the sovereign. Charles alone spoke in the language of hope, and even his expectations, if they were really indulged, proceeded more from a reliance on some almost miraculous interposition of providence, than from any rational estimate of his affairs. Every day brought the news of defeat or defection on the side of his friends; and having avoided the enemy by the rapidity of his movements during several months, he returned, early in November, with the remnant of his army, to seek his winter quarters in Oxford.

In the mean time, the principles and conduct of the court party, so far as that party may be said to have retained a visible existence, had only become more desperate as the consequence of these reverses. Baillie, who, in common with the great majority of the presbyterians, had become by this time almost as much afraid of the independents as of the royalists, describes the latter as still anxious to see the most complete despotism established, and as prepared to adopt means of any description for that object*. It was this jealousy of the independents on the part of the presbyterians which formed the only source of

* "Daily more and more it appears to the world, that the design of the misled court was, and is, by all means out of hell, to fasten the yoke of tyranny on our bodies and souls, for our times, and the days of our posterity." *ii.* 148.

hope to the king with respect to any tolerable settlement of his affairs ; and it became the policy of that body from this time to promote an adjustment of public questions on some middle plan equally remote from the iron rule which the royalists would have restored, and the more equal system of freedom which the sectaries were desirous of introducing*.

But with regard to the king, what confidence could either of those parties repose in him? In the conversation, and the public correspondence of the monarch, few words were of more frequent occurrence than those of honour and conscience ;

Publication of
the king's
letters.

but his life demonstrates, that few things were of less consideration with him when adopting measures with a view to objects which his honour and conscience pointed out as proper to be secured. The preservation of episcopacy was a point of conscience with him, but his conscience did not deter him from seeking the accomplishment of that object by acts of gross insincerity. We refer to this topic again, because the subsequent course of affairs will not be understood without its being borne in mind :—a strong exposure of this vice in the character of the monarch having been made about this time to the whole nation, by the publication of certain letters found in his cabinet taken at Naseby.

Many of those letters were addressed to the queen, and proved what had always been affirmed concerning her irreconcilable enmity to the liberties of the kingdom, and her pernicious influence over the mind of her husband. Some of the papers discovered the earnest applications made by the king to obtain assistance from abroad, notwithstanding his declarations to the contrary ; while others betrayed the insincerity of his public professions with regard to the catholics of Ireland. We have seen that only a few months before, the king, on taking the sacrament at Oxford, delivered a solemn protest, by which he bound himself to maintain the protestantism of the established church, *without any connivance at popery*. But in one of these letters, the queen was empowered to promise the English catholics an entire removal of the laws enacted against them, as soon as they should enable him by their assistance to perform that service for them. Charles

* “ Some fear the king's obstinacy ; others wish it to increase ; but the best and the most here think it exceeding necessary to essay if we can have peace. If the Lord harden his heart that it be refused, one other stroke may break his party without recovery. *But when that is done, and we freed from all fears of them, we see a new sea of troubles wherein we must enter.*” Ibid. Let. July 15, 1645. A few days before, the same writer observes, “ We hope shortly to get the independents put to it to declare themselves either to be for the rest of the sectaries or against them. If they declare against them, they will be but a small inconsiderable company ; if for them, all honest men will cry out upon them, for separating from all the reformed churches, to join with the anabaptists and libertines.” Ibid. 142. Baillie saw more difficulty in this dilemma than was felt by the independents, 146, 147, 169. Baxter's *Life and Times* presents a striking, and perhaps a somewhat unfavourable picture, of the mixture of republicanism and religious extravagance which began to characterise the Cromwellian army from the day of “ Naseby fight.” 50—55.

had refused for some time to call the two houses at Westminster—the parliament, and when constrained by the necessity of his affairs to do so, he deemed it proper in writing to Henrietta to express himself in the following terms on that subject: “As to my calling them at London a parliament, I shall refer thee to Digby for particular satisfaction; this in general—if there had been but two beside myself of my opinion, I had not done it, and the argument that prevailed with me was, *that the calling them did not by any means acknowledge them to be a parliament, upon which condition and construction I did it, and no otherwise.*” In another letter, the queen was desired to comfort herself with the assurance, that should the campaign of 1645 be successful, “a short period” should be given “to this perpetual parliament:” and this was the determination of the monarch, though he had ceased of late to make any difficulty about promising a continuance of the parliament, the great points with him being the preservation of episcopacy, and the command of the forces.

These letters were read by Cromwell and the officers at Naseby; they were then sent to the parliament; and a selection from them was afterwards printed, by order of the two houses, ^{Propositions for peace.} and circulated through the kingdom. The victory which placed these papers in the hands of the parliament was hardly more injurious to the royal cause than the disclosures which were thus made. It was, accordingly, with a stronger conviction than ever that no confidence could be placed in any pledge that might be given to them by the king, that the commons listened to the earnest recommendations of the lords, and of the Scots commissioners, in favour of peace. On the fourteenth of October, the house went into committee on the proposals that should be made, and having given two days a week to this subject for six weeks, a series of articles, in substance the same with those which had been insisted on by the parliamentary commissioners in the treaty of Uxbridge, was agreed upon. The principal difference between the present articles and those produced on the former occasion was, that the command of the militia should be entrusted to commissioners nominated by Englishmen for England, and by Scotsmen for Scotland; and that the militia of London and its environs should be placed at the disposal of the commissioners, instead of being left in the hands of the corporation.

These variations should be noted, as they were the natural consequence of the material change which had now taken place in the position and temper of parties. By a majority in ^{Change in the state of parties.} the parliament, the Scots army and the city were regarded as so much under the controul of the intolerant spirit which animated the majority of the presbyterians, that it was probable they would be found willing to join in some hollow compact with the king, rather than submit to see their exclusive schemes put aside by the more liberal policy which prevailed in the house of commons. About this time, more than a hundred and fifty new mem-

bers were added to the lower house, in the place of those who had withdrawn, or had been declared incapable by the votes of that assembly; and the effect of these new elections was not only to add much weight to the decisions of the parliament, but to bring the independents into a more equal balance against the presbyterians. Other causes, indeed, had operated to produce some disaffection between the Scottish army and their southern neighbours, for while the latter complained of the disorderly conduct, or of the inaction or inefficiency of their allies, the former murmured in their turn about neglect of pay, and similar matters. But the great object of the presbyterians was the overthrow of episcopacy and the enforcement of the covenant, and with the independents it was a matter of no less importance to maintain that whatever might be the established religion, there should be liberty of conscience for all who dissented from it.

Both parties had good cause, as well from past experience as from present circumstances, to guard against exposing their leading men by protracted negotiation to the tampering of the court, and it was the determination of the parliament, in consequence, to proceed—not by treaty, but by tendering certain propositions in the form of bills to receive the royal assent. The Scots were opposed to this course of proceeding, particularly as the propositions to be submitted were those of the English parliament only, and not strictly the same with those to which the two nations had agreed at the treaty of Uxbridge.

The royalists made the best possible use of the delay, by imputing the whole blame of the continuance of the war to the selfish and malevolent passions of their enemies. Charles sent two messages, full of appeals to humanity and religion in favour of peace; and even proposed to go to the capital in person for forty days, under a safe conduct from the two houses, rather than see the restoration of tranquillity any longer deferred. He also expressed his willingness to place the militia in the hands of commissioners for three years, the one half to be nominated by himself, the other by the parliament. The parliament declined the proposed visit of the king to the metropolis, which called forth a third and a fourth message, in the last of which—that he might appear anxious for peace, in proportion as his opponents seemed to be unable or unwilling to promote it—Charles proposed that, with the restoration of the church as it was in the times of Elizabeth and James, there should be “full liberty for the ease of tender consciences; and the free use of the directory, to such as desired it.”

It was the policy of Charles, by this show of moderation, and still more by professing his willingness to make his appearance again in London, either to extort a peace from his opponents on the terms which he had named at Uxbridge, or to expose them to the reproach of inhumanity toward their sovereign, and to the charge of adhering to extravagant proposals for factious purposes. The terms adhered to by the

Messages
from the
king.

royal commissioners at Uxbridge embraced a complete re-establishment of the church, and a restoration to the crown of the command of the militia at the close of three years; and, had the king been permitted to appear in London, the impression made by his presence on those sentiments of loyalty which, in the great majority of minds, operate with all the power of an instinctive and hereditary superstition, would probably have obliged the parliament to accept of peace on those conditions. And to us it may well seem a matter to be regretted, that peace was not concluded on such terms, joined as they now were with a provision for liberty of conscience, and some other concessions that were not without value. But the Scots would not forego their covenant; the patriots looked with alarm on the large powers which such a settlement would soon place in the hands of the king; and the parliament, accordingly, clung to its propositions, and would hear nothing of negotiation, either with the monarch in person, or with any deputation from him.

When Charles found that this policy had failed to move his opponents from the position which they had taken, his tone of moderation was changed for that of censure and invective, and they were charged with all the blood which had been shed, and with having trampled on all law, that they might draw an exorbitant power to themselves. The only effect of this message was to satisfy the commons that in adhering to their propositions and declining a treaty they had acted wisely; and a few days later, this conviction was much strengthened, by disclosures relating to certain secret transactions between the king and the insurgent catholics of Ireland*.

From the beginning of these troubles Charles had never ceased to expect important assistance from that kingdom. But the demands of the Irish catholics not only embraced the full Commission of Glamorgan, toleration, but the legal establishment of their worship; and with such terms the king could not openly comply without creating disaffection in England, much greater than any assistance to be obtained from Ireland would be sufficient to controul. It was agreed, accordingly, between Charles and the earl of Glamorgan, that the latter should proceed to Ireland, and with documents for the purpose under the royal seal, should be empowered to settle a private treaty, conceding to the catholics the whole of their claims, with the proviso that this concession should remain a secret until the king should be in circumstances to acknowledge it with safety. These instruments pledged the monarch to everything concluded by Glamorgan, without any respect to warrant of law, and included letters to the pontiff, and to a nuncio of the Roman see then resident in that island†. These terms

* Journals of Lords, Oct.—Jan., *passim*.

† For the documents relating to this commission see Birch's Inquiry respecting it. Clarendon's State Papers, ii. 201, 346. Carte's Ormond, iii. 436—440. Rushworth, vi. 239, 240. Leland's History of Ireland, iii. 247—296. Lingard, x. 319—325. And note B.

were accepted by the supreme council of the catholics at Kilkenny, and an army of ten thousand men was at once promised, which might be employed by the earl in support of the royal cause in any part of Great

Britain. Charles had kept this scheme a secret, not only
August 25. from the parliament and council in Ireland, but from every person about him in this country—being well aware that the open concurrence of his usual advisers in either kingdom with such a project, if solicited, would be solicited in vain. This enterprise had nearly reached maturity when accident led to its discovery, and the papers relating to it were laid before the council in Dublin, and the two houses at Westminster. 1

The feeling of indignation produced by this disclosure was of the most violent description, and spread rapidly among all classes in adherence with the parliament. About eighteen months before, Charles had sworn openly, when receiving the sacrament at Oxford, that his power should be employed to the utmost for the preservation of protestantism, and the suppression of popery, and that declaration he had often repeated ; but from these papers it appeared, that he had been secretly occupied, during a considerable period since, in forwarding negotiations which pledged him to a re-establishment of that system through a large portion of his dominions, and that he had been induced to make that pledge in order that the catholics of Ireland might be employed in the work of subduing his protestant subjects in these kingdoms. There is enough in the documents relating to this affair, and in the conduct of Charles on similar occasions, to justify the conclusion that he intended Glamorgan should proceed to the extent of the treaty which he formed, should his doing so be found necessary in order to obtain the required assistance. Could any doubt be entertained on this point, the confidential letters which the king subsequently wrote to Glamorgan are sufficient to remove it, even from the most incredulous.

In one of these letters Charles refers Glamorgan to the bearer as prepared to explain why he had not done everything which had been desired. "Want of confidence," he observes, "being so far from being the cause, that I am every day more confirmed in the trust I have in you, it not being in the power of any to make you suffer in my opinion by ill offices." This was written in February, immediately after his proceedings had been discovered ; and in the following April the king writes to the same person in these terms :—"As I doubt not but you have too much courage to be dismayed at the usage you have had, so I assure you my estimation of you is nothing diminished by it, but that it rather begets in me a desire of revenge and reparation to us both." The "usage" referred to in this extract was the arrest of Glamorgan in Dublin Castle, by an order of council, a proceeding which arose from the concern of Ormond to save the credit of the monarch by accusing his instrument. About three months later Charles wrote to the

earl again, expressing the love which he had always borne him, the pleasure which he had ever found in his conversation, his earnest wish to be with him and the nuncio in Ireland, where he might hope for the respect of which he found no share in England, declaring that there was not another man to whom he was "so much obliged," and adding, "your merits toward me exceed all expression." It was by producing his private authority from the king that Glamorgan had obtained his enlargement after his arrest in Dublin; and he subsequently appeared in the neighbourhood of Cork, conducting an army of five thousand men to join the royal standard in England.

The Scots regarded this unhappy exposure as precluding all hope of a reasonable settlement, and the duplicity of the monarch was felt by his best friends as much as by his enemies; for no man could credit his statement to the parliament, that he had given to Glamorgan a commission to raise men, and "to that purpose only," in opposition to the evidence furnished by so many circumstances and documents. The authority given to Glamorgan under the private signet of the monarch on the twelfth of January, 1645, and which was renewed, in substance, on the twelfth of March, is, of itself, sufficient to show that the earl did no more than it was intended he should do,—that is, exercise at his discretion the powers entrusted to him; and we have seen what the king's real judgment was with respect to the manner in which his servant had acquitted himself. Ormoud, the lieutenant of Ireland, was the only person in the confidence of the king who was privy to this transaction previous to the accident which made it generally known, and the lieutenant was not to be officially connected with the more difficult points of the proceeding*.

* The following is a copy of the commission of the twelfth of January, as printed by Dr. Lingard from a manuscript with the signature of the earl attached to it:—
"Charles, by the grace of God, king of England, Scotland, France, and Ireland, Defender of the Faith. To our right trusty and right well beloved cousin, Edward, earl of Glamorgan, greeting. Whereas we have had sufficient and ample testimony of your approved wisdom and fidelity. So great is the confidence we repose in you, as that whatsoever you shall perform as warranted only under our sign manual, pocket signet, or private mark, or even by word of mouth, without further ceremony, we do, on the word of a king and a Christian, promise to make good to all intents and purposes as effectually as if your authority from us had been under our great seal of England; with this advantage, that we shall esteem ourself far the more obliged to you for your gallantry in not standing upon such nice terms to do us service, which we shall, God willing, reward. And although you exceed what law can warrant, or any power of ours reach unto, as not knowing what you may have need of, yet, it being for our service, we oblige ourself not only to give you our pardon, but to maintain the same with all our might and power; and though, either by accident, you lose, or by any other occasion you shall deem necessary to deposit any of our warrants, and so want them at your return, and to supply anything wherein they shall be found defective, it not being convenient for us at this time to dispute upon them, for of what we have here set down you may rest confident, if there be faith or truth in man; proceed, therefore, cheerfully, speedily, and boldly, and for your so doing this shall be your sufficient warrant. Given at our court at Oxford, under our sign manual and private signet, this twelfth of January, 1644-5. Glamorgan." Indorsed, "The earl of Glamorgan's further authority."

Charles himself appears to have seen that much additional injury had been done to his cause by the detection of this artifice ; and, accordingly, he now proceeded so far in the way of concession as to propose that the militia should be assigned to commissioners nominated solely by the two houses, who should retain their trust, as previously required, for seven years ; that the parliament should also appoint a lord high admiral, the officers of state, and judges, for life, and that acts of oblivion should be passed in both kingdoms. And as, even with these concessions before them, the Scots commissioners were slow in coming to an agreement with the two houses upon many other matters which required adjustment, Charles, at length, proffered to disband his forces, and to remove to London, confiding in the generosity or the justice of the parliament for the nature of the settlement to be resolved upon.

New over-
ture from
the king.
Jan. 26—31.

It was on the twenty-third of March that the king made this overture, and in a letter written by him to lord Digby, only three days later, we learn the intentions with which it was accompanied. " Now for my own particular resolution," he writes, " I am endeavouring to get to London, so that the conditions may be such as a gentleman may own ; and that the rebels may acknowledge me king, being not without hope that I shall be able to draw either the presbyterians or independents to side with me for extirpating one the other, that I shall be really king again. I will conclude with this assurance, that whatever becomes of me, by the grace of God, I will never forsake the church, my friends, or my crown * !"

The commons needed not half the sagacity which they possessed in order to perceive the probability, or, in fact, the certainty, that Charles would be found to act on the policy set forth in this letter if admitted to the capital before the completion of some definite and solemn compact. Accordingly, instead of encouraging his approach without the

Dr. Lingard has also in his possession the original warrant of the twelfth of March, with the king's signature and private seal, bearing the arms of the three kingdoms, a crown above, and C. R. on the sides, and indorsed in the same handwriting with the body of the warrant, " The earl of Glamorgan's especial warrant for Ireland." Dr. Lingard thinks it probable that his MS., bearing date the twelfth of January, is the very same which Glamorgan gave to Ormond after his arrest. Both documents are to the same effect. x. 472—478.

It is in the following terms that Clarendon speaks on this subject when writing to secretary Nicholas :—" I must tell you I care not how little I say in that business of Ireland," referring to his intended history, " since those strange powers and instructions given to your favourite Glamorgan, which appears to me so inexcusable to justice, piety, and prudence. And I fear there is very much in that transaction of Ireland, both before and since, that you and I were never thought wise enough to be advised with in. Oh ! Mr. Secretary, those stratagems have given me more sad hours than all the misfortunes in war which have befallen the king, and look like the effects of God's anger towards us." Clarendon Papers, ii. 337. The whole, according to Glamorgan, was so done, that " the king might have a starting hole to deny the commissions, if excepted against by his own subjects." Ibid. 201, 202. Rushworth, vi. 239—249.

* Carte's Ormond, lii. 452.

protection of that preliminary, they passed a resolution, declaring, that should he venture within the lines of the metropolis, means should be immediately employed to prevent tumult, and all resort to him—and, as an amendment of the lords, “to secure his person from danger.” The royalists, who came to the city and its neighbourhood, at this crisis, in great numbers from all parts, were prepared to join in any enterprise which promised to give strength to their expiring cause; and they everywhere denounced the distrust of the king expressed by the commons as the pretext of ambition. But there was firmness enough in the lower house to resist the pressure that would have forced them into the path of danger, whether proceeding from the sinister purposes of their enemies, or from the imperfect discernment of their friends *.

Oxford now began to be an unsafe residence for the king, and no time was to be lost in choosing the party upon which to throw himself. His first overture was to the independents, ^{Escape of Charles from Oxford.} through sir Harry Vane, in which he declared, that should presbyterianism “be too strongly insisted upon,” on his coming to London, all his power should be employed “in rooting that tyrannical government out of the kingdom †.” But he soon found that his character was less acceptable to that party than to their opponents, and that their greater distrust of his professions was a strong barrier in the way of all advantage from that quarter. In the mean while, the forces of the parliament were approaching nearer to Oxford from different points; and the dangers which presented themselves to his view disposed him to entertain the thought of making his appearance in the Scottish camp—trusting that the sight of a king, with all the signs of his departed greatness about him, would call forth a feeling, which it might be in his power to use so as to procure a settlement on the points at issue more favourable to his wishes than could be otherwise obtained. It was only by this expedient that he could hope to avoid the necessity of subscribing to the covenant.

The Scots, through Montreville, the French ambassador, had intimated their willingness to receive the king, but it was to be with not more than three attendants, and in a manner that was to have the appearance of his being made captive while on his way toward Scotland. But this plan was frustrated by the delay and vacillation of the monarch; and when the prince who had so long governed these realms almost by his single will, and who had of late traversed the length and breadth of England at the head of powerful armies, found himself obliged to leave Oxford, so reduced was his condition, that he consulted his safety by disguising himself as the servant of Mr. Ashburnham. Following that gentleman, and a clergyman named Hudson, who was of the party principally on account of his being well acquainted with the cross roads, Charles bade farewell to the city which had been honoured as the resi-

* Journals, March, April, *passim*.

† Clarendon Papers, ii. 227.

dence of his court, on the twenty-seventh of April, about the hour of midnight. His council, who were not ignorant of his departure, were left in uncertainty concerning his plans, and the point toward which his steps would be directed. Their strongest impression appears to have been that his inclination would lead him toward London, and it is certain that he continued his journey with little variation in the direction of the capital until he came almost within sight of it. It had been one of his projects to enter the city in disguise, and to remain concealed there; but the dangers of such an adventure seemed to thicken as the moment for entering upon it drew near.

Having passed through Brentford, Charles instructed Ashburnham and Hudson to turn from the main road toward Harrow, and, with a portmanteau behind him on his horse, followed them through by-roads to the neighbourhood of St. Albans, and at the close of the second day the party reached Market-Harborough. At this place the king hoped to have met Montreville, or an escort of horse, and, thus protected, it is not improbable that he would still have passed into Scotland to Montrose; but his arrangement with the French ambassador had not been understood, or not acted upon at the proper time. It is supposed that the unhappy prince never felt the evils of his condition so acutely as at this moment. From Market-Harborough he journeyed to Stamford, from Stamford to Downham, and having passed
Surrendershimself to theScots. May 5.
four days at the latter place, in a state of great suffering from the want of some steady persuasion as to the best course of action, he at length determined on proceeding to the Scottish army which then lay before Newark.

The flight of the king gave rise to many conjectures and alarms both in the parliament and the city. When letters arrived stating that he was with the Scots army, the commons came to a vote requiring that his person should be given up to be disposed of by the authority of parliament. Warwick castle was named as a proper residence for the present*.

* Rushworth, vi. 267. *et seq.* As a means of disguising himself Charles parted with his long hair, and a barber whom he employed at Downham complained much of the unworkmanlike manner in which the scissors had been applied. Ibid. Clarendon, Hist. v. 363—394. State Papers, ii. 220—230.

CHAPTER X.

General view of affairs at this period—Passive conduct of the King—His adherence to Episcopacy—Disputes with Henderson—His position with respect to the two great parties—Meditates an escape from the Scots—Comparative strength of the Presbyterians and Independents—Presbyterian form of Church Government established—Modified by the Independents—Discontent of the Presbyterian Clergy—Intolerant act against Blasphemy—Several of the Propositions rejected by the King passed as Ordinances—The Scots surrender the King to the English Parliament—Relative position of Parties in England from that time—Confidence of the Presbyterians—Complaints of the Army—Advances towards the Capital—Deputation from the Parliament—Violent measures of the Presbyterians—Second Deputation—The Officers are interdicted from acting with the Men in seeking a redress of Grievances—Rise of the Agitators—Letter addressed by them to their Generals and the Commons—Third Deputation—Votes of the Commons to disband—Further advance of the Army, and a refusal to disband—Conciliatory votes of the two Houses—The Army obtains possession of the King's person—The Engagement adopted—A fourth Deputation—The Army resolves on advancing to London—Submission of the City and Parliament—Declaration of the Army, accusation of eleven Members—Excitement in the City—Votes extorted from the Parliament by Tumult—Scheme for the settlement of the Constitution prepared by the Army—Submitted to the King, and rejected—The Army enters London.

From this period, the supreme authority openly acknowledged by the people of England, was no longer divided, according to local feeling or circumstances, between the king and the parliament. The condition of the sovereign became in effect that of a private person, and the two houses exercised the functions of an independent commonwealth. But these powers were too recent in their origin, and the parties who wielded them were too little agreed among themselves, to allow of their working without hindrance or disorder. The puritan spirit, with its ardent love of freedom up to a certain point, and its lamentable intolerance with respect to every thing beyond it, still animated the presbyterian body in both kingdoms; while the independents, as they gradually rose into importance, by the sagacity which they brought to the management of public affairs, hardly less than by their exploits in the field, became more fixed and definite in their demands on the side of the rights of conscience, and of a more equal liberty. The army under Fairfax, consisting of twenty-two thousand men, was made up almost entirely from the independents, and greatly outnumbered the presbyterians, who were in arms under Massey and Poyntz. The independents could also boast at this juncture of a small majority on many questions even in the house of commons; but the city was still mostly presbyterian, and found its great ally in the Scots army, which, by possessing the king's person, had become capable of negotiating with increased authority. Added to which, as a further element of probable discord, the royalists, though scattered, were by no means extinct. The number of the slain in the late struggle was comparatively small, and the passions of those who

General view
of affairs at
this period.

survived the conflict must have been rather exasperated than allayed by what had befallen them.

In Scotland, the marquis of Montrose, by a series of rapid achievements, had revived the hopes of this party, and though the reverses which attended him had followed in as quick succession, it was the great hope of Charles in surrendering himself to the Scots, that he might be able to induce the leaders of that army to take part with Montrose, for the purpose of humbling the pride of the independents and putting down the sectaries. With respect to Ireland, the possession of Dublin, and of some other places of strength, constituted almost the only power of the government in that country, much the greater part of it being in subjection to the insurgent catholic confederacy. As soon as the battle of Naseby afforded the opportunity and the means, it became the concern of the parliament that vigorous measures should be adopted for the full restoration of the English government in that island, and the command of forces for that object was entrusted to viscount Lisle; but at the present moment the fate of these arrangements was uncertain*.

Charles was not ignorant that in the circumstances now enumerated there were difficulties sufficient to exercise all the genius and energy of his opponents, and he resolved to watch the elements of conflict about him, so as to derive his advantage from the perplexities and collisions which must very soon occur. In the Scottish camp he found himself treated as a prisoner, in consequence of refusing the covenant; and within a fortnight of his appearance there, the English parliament manifested its jealousy of the army from Scotland, by declaring that its services were no more required south of the Tweed. The estates at Edinburgh feared the probable intrigues of the king with their officers hardly less than the commons at Westminster, and sent some of their most trusty members to employ all proper means in order that the monarch might be brought without delay to the terms of the covenant, and the public tranquillity be preserved. On the matter of the covenant they employed their powers in vain; but at their instance the king issued orders which required Montrose to disband his forces, and transport himself to France; which called upon the garrisons holding Oxford, Worcester, and all other fortified places under his banner, to surrender them; and which instructed Ormond to abstain from any conditional treaty with the Irish insurgents†.

Charles knew while he thus wrote that the treaty with the catholic confederates was already completed; and there is a secret letter which he found means to send at this time to the queen, the prince of Wales, and others, which discloses his state of mind while issuing these orders, and makes it difficult indeed to suppose that he was

* Rushworth, vi. 228, 229, 239—249. Montrose's Memoirs, 162—208.

† Rushworth, vi. 270—308. *passim*.

prevented from expressing an approval of the covenant by any real homage to sincerity. In this letter he complains of the perfidy and barbarity of the Scots, none but his enemies being allowed access to him. Subject to such restraints, it was probable that this would be the only communication they would for some time receive from him containing the free expression of his mind. Their conduct, therefore, in relation to his affairs, was to be regulated according to those orders which he had given before submitting to his present captivity; and with respect to all things not included in those orders, the prince was to act with those about him, in the manner deemed best for the royal interests, notwithstanding any contrary instructions that he might himself be prevailed upon in his present circumstances to send forth. The treaty with the catholic confederates of Ireland, in particular, was to be kept inviolate and acted upon, as of the greatest importance to his cause; and neither on that subject nor any other was he to be understood as expressing any countermand, except in cipher, and written with his own hand*. The prince who could act thus systematically upon such a policy was surely not a person in whom the parliament, or any of the parties who committed themselves against him, could be expected to confide. He was, indeed, in circumstances which plead strongly in extenuation of his conduct, but they were not such as exposed his person to danger, nor such as could justify the course which he pursued.

But Charles was sincerely of opinion that an intimate connexion subsisted between the preservation of episcopacy and the stability of the throne. He was also by this time aware that the presbyterians were more hostile to any continuance of that form of ecclesiastical polity than the independents; while the leaders of the former party, as including many of the wealthy and the noble in both kingdoms, were deemed less accessible to intrigue than those of the latter—the chiefs of the independents being considered rather in the light of fortunate adventurers, who held their position as the effect of their capacity, more than as the consequence of their original station in society. These impressions disposed the king to resist all the attempts that were now made to convert him to presbyterianism. In the hope of subduing this opposition, it was arranged that a solemn conference should take place on this subject between the sovereign and a Scotch divine, of much polemical celebrity, named Henderson. The disputants ended where they had begun, and victory was claimed by the partisans of each; but it is no reflection on the monarch to suppose him the inferior of a man whose days had been spent in exploring the sources of ecclesiastical learning, instead of being given to the frivolities of a court, or distracted by the cares of government and of civil war†. So pertina-

Adheres to
Episcopacy—
his dispute
with Hender-
son.

* Carte's Ormond, iii. 463.

† There is good reason to believe that the papers said to have been produced by

cious was the feeling of Charles in favour of episcopacy, that he was not to be moved from it by the entreaties of the new French ambassador Bellievre, though supported by the whole weight of the presbyterian party, the earnest advice of the queen, and the promise of thirty thousand French soldiers, to be employed by the prince of Wales in restoring the fallen monarch with proper dignity to his throne. Bellievre had been deputed in the place of Montreville at the suggestion of the queen, as a person more equal to the duties of so difficult a mission; and Sir William Davenant was next sent as still more competent to prevail with the king on the one point upon which every thing now seemed to depend. But the expostulations of Davenant produced displeasure rather than the desired change, and he was even forbade to come into the royal presence*.

It was the immovable purpose of the king on this point which frustrated the policy of the presbyterians, who, so long as this pertinacity continued, could think of no means by which to preserve the ancient constitution, except by the appointment of a regency, or the transfer of the crown to some other member of the royal family†. The independents were not less aware than the presbyterians of the weight, and the probable preponderance, which the compliance of the king in this particular would give to that party, and were accordingly resolved that no pains should be spared to preserve their present ascendancy both in the army and the house of commons, their strength in those quarters being sufficient, if supported by the confidence of the monarch, to enable them to provide against all the power and intolerance of the rival sect. Hence, while the presbyterians were urging the king by every possible inducement to accept the terms of peace which they proffered him, the independents did all they could to render the efforts of that party ineffectual.

The presbyterians submitted their propositions to the king at Newcastle on the twenty-fourth of July, and some of the most distinguished men in both kingdoms, the estates at Edinburgh, and the Scots army, united in pressing his immediate acceptance of them. One of the first measures consequent on such an adjustment would have been to disband a large portion of the English army, and by that proceeding a fatal blow would have been inflicted on the power of the independents. Hence, to guard against such a course of affairs became the great policy of that party; and for this object their leaders in the army, particularly Cromwell and Ireton, did not scruple in their turn to avail themselves of the aids of

Charles during this controversy, and which may be seen in his works (155—188) were the production of another pen, probably that of Clarendon. See this subject discussed in Godwin's *History of the Commonwealth*, ii. 179—183.

* Baillie, ii. 218, 219. Clarendon, *Hist.* v. 378, 405, 409, 411, 412. Ludlow, i. 161.

† Baillie, ii. 202, 214.

duplicity, by making secret overtures to the king, which promised him restoration to the throne on terms much less objectionable to him than those laid before him by their opponents. Influenced by these secret proposals, and probably by the hope of foreign aid, Charles expressed his real aversion to the presbyterian propositions, by declining the simple acceptance of them which was demanded, and by again claiming that he should be allowed to proceed to London for the purpose of negotiation *.

This answer, which was a virtual negative, produced a strong feeling of exultation among the independents in the commons. The presbyterians, in the excitement of the moment, gave out that a motion would probably be introduced and carried, declaring the king deposed from his throne. But an extreme measure of that nature would have failed to obtain the unanimous concurrence of the independents themselves, and would have been far from acceptable to a considerable class of persons who were found among their supporters, more on account of their tolerant principles, than from being strictly of their party †.

Even the rumour of such a proceeding as possible produced a reaction in public feeling, and a degree of combination between the royalists and presbyterians unfavourable to objects much more moderate than those which would have been most agreeable to that small body of persons, who would have preferred a republican to a monarchical government. This loss of ground, which occurred between the twenty-seventh of August and the first of September, became evident in the votes upon the amount of payment to be made to the Scots, when the independents were outvoted, in one instance by nine, and in another, by thirty-nine ;—the policy of the English presbyterians being to dispense with the Scottish army ; to reduce their own ; and by possessing the person of the king, and bringing him to their terms, to make themselves ascendant ‡. With a view to this object, a vote was obtained from the commons and from the lords, which declared that the disposal of the king's person should be left with the two houses. But the Scots contended that the safety of the person of the monarch was a trust which pertained to both kingdoms §. So confident also were they of their power, as to declare through the medium of their parliament, that should the monarch enter Scotland, it could not be to exercise any function of royalty, nor would they engage to vindicate his pretensions, should he be deposed by his English subjects, so long as the propositions submitted to him were not accepted ||.

* Burnet's *Memoirs of Hamilton*, 277, 281, 282. *Rushworth*, vi. 319—321. vii. 1145. *Charles's Works*, 239—243. *Clarendon, Hist.* v. 417—419. *Bamfield's Apology*, 16—18.

† *Baillie*, ii. 225.

‡ *Journals*, Aug. 27, Sept. 1.

§ *Ibid.* Sept. 18. *Rushworth*, vi. 329, *et seq.*

|| *Ibid.* 390, 392. *Burnet*, 298, 302, 306. Charles was playing at chess when this decision of the Scots parliament was communicated to him, and exercised

While such was the temper of the Scottish parliament, it is not surprising that Charles should have meditated an escape from the army at Newcastle, in the hope of reaching France, and of obtaining assistance from that quarter. But though a plan was devised for this object, he shrunk, as the moment approached, from acting upon it, and the suspicions excited by a partial discovery of the project occasioned his being put under greater restraint *.

The struggle between the presbyterians and independents in the Commons, which, during the present year, had appeared, in some important instances, to be in favour of the former, had not been such uniformly. A motion which required that part of the army under Fairfax should embark for Ireland was defeated by a majority of ninety-one to ninety; and a resolution to disband the troops under Massey, consisting mostly of presbyterians, was carried in the commons, and executed by Ludlow, with the concurrence of Fairfax, notwithstanding a remonstrance against it by the lords. Fairfax defended what he had done by alleging that the remonstrance did not reach him until the disbanding had commenced, and much of the money entrusted to him had been distributed; he was also careful to state that certain grounds of exception taken by the lords did not apply to the case, and that what he had done had been with the concurrence of a committee of the house of commons, and of the committee of lords and commons for the safety of the west †. But the two parties were so nearly balanced in the commons during this year, that questions affecting either were rarely carried by a majority of more than eight or ten votes; and some instances of understood compromise were necessary that the ordinary business of government might proceed ‡.

Another matter which served to manifest the power of the independents in public affairs at this juncture, was the settlement of the exact form in which the presbyterian government should be established. By the ordinance issued on this subject in 1645, it was determined that the country should be divided into provinces, and that each province should

Presbyterian
form of
church go-
vernment
established.

that controul over his feelings for which he was remarkable, by going on with the game as though nothing had happened, *ibid.*

* Clarendon, *ubi supra*. Burnet's Hamilton, 307.

† Whitelocke, Oct. 22. Journals, Oct. *passim*.

‡ On the question of preserving the covenant, either entire, or with no very material modifications, a larger majority could be secured by the presbyterians. In a vote of the lords relative to the preservation and defence of the king's person, it was proposed to add the words "according to the covenant," and this addition was carried by a hundred and thirty-three against ninety-one. Commons' Journals, Dec. 25, 1646. On a question of this nature, in this same December, the majority on the side of the presbyterians seems to have been something greater, but their opponents, by more regular attendance, proved to be more nearly equal to them on general occasions. *Ibid.* Dec. 22.

be separated into parochial or congregational assemblies. It was also provided, that distinct from these congregational assemblies, classical or district assemblies should be instituted, and that the further process of appeal should be, from the assembly of the district to that of the province, and from the assembly of the province to the general assembly—constituted of delegates from the whole nation. For the preservation of discipline, the congregational assembly was to meet once a week, the classical assembly once a month, the provincial assemblies every half year, and the national assembly only at such times, and for so long, as the civil power should deem expedient. It was also a part of this plan, that in forming these assemblies, the election should be in the average of two laymen to one clergyman.

But the independents placed some material checks on the working of this formidable apparatus. It was not before 1648 that the congregational assembly was allowed to possess the power necessary to create the classical assembly; com-
Modifications imposed by the Independents.
 missioners being appointed until that period by parliament to choose the persons deemed proper to be entrusted with the authority committed to those bodies. Not only was the national assembly dependent for existence on the pleasure of the parliament, but an appeal lay in all cases from the ecclesiastical to the civil power as the last resort. On the principle, moreover, which recognised an appeal from the national assembly to the parliament, an ordinance was passed which gave existence to a body of government commissioners in each province, to whom an appeal might be made from the provincial ecclesiastical tribunals; but this measure called forth such loud complaints, that it was not until it had been considerably modified that the presbyterian form of church government received the temporary establishment which was now assigned to it *.

The independents, as we have before remarked, were opposed to any civil establishment of religion; and those who aided them in their present struggle, without being strictly of their opinion in that respect, were careful that the mode of
Dissatisfaction of the presbyterian clergy.
 its establishment should be such as to give a secure ascendancy to the civil power. Nothing, however, could be more unacceptable to the presbyterian clergy than such doctrines, inasmuch as their principles taught them to regard the secular establishment of religion as the first duty of a state; and, at the same time, to assert their own pure independence of the civil power, even while looking to it for protection and endowments, and for the force with which to maintain their particular species of dominion. So fixed were their views on

* Rushworth, vii. 203—207, 257—260, 261. Hume says that the provincial and national assemblies were to consist of clergy only, and having stated this error, breaks off into some philosophical reflections in order to account for such an arrangement. Scobell's Acts and Ordinances, 75—92, 97, 99.

these points, that at a time when their opponents were so powerful, they ceased not to iterate their complaints about the increase of sects, and the mischiefs which ensued in consequence of withholding from the authorities which had been set up the coercive powers necessary to suppress them.

There was a bill against blasphemy which this party endeavoured to carry in 1646, and which they succeeded in passing two years later, the provisions of which bespeak a frightful spirit of intolerance, reminding us very forcibly of the many similar decrees which occur in the pages of ecclesiastical history, and which were made the ground of proceedings so disgraceful to Christianity. By this act, any denial of the Trinity, of the proper deity or humanity of Christ, of his death as an atonement for the guilty, of his freedom from sin, of his resurrection, of the general rising from the dead, of the day of judgment, or of the authenticity of the canonical scriptures,—was declared to be a capital offence! Many less considerable heresies are named as to be punished by other penalties*. The authors of this enactment had imbibed the sentiment that truth must be one; that to themselves pertained the rare felicity of having discovered it; and that the most consistent evidence of their hallowed attachment to its interests was in the adoption even of such means with a view to its support. Thus the reasoning which had descended from Bonner to Laud, passed from the latter to the men who brought him to the block!

By the influence of the independents, which operated to delay the act concerning blasphemy, the commons were induced to pass several of the most important of the propositions that had been rejected by the king, in the shape of ordinances—a proceeding which gave them the force of acts of parliament without waiting for the royal sanction. This republican principle was acted upon with respect to those parts of the propositions which related to the abolition of episcopacy, and the sale of the bishops' lands; to a justification of the proceedings in parliament in both kingdoms since the commencement of hostilities; to the appointment of the great officers of state by the parliament; and to its retaining the command of the forces during the next twenty years †.

These proceedings, though the lords did not, for the present, concur with them, were important as indicating the temper of the lower house. They belong to the month of October, and about two months later a committee of both kingdoms laid a report before the commons, which led to the payment of large arrears to the Scottish army, and to the surrender of the king into the hands of the English parliament. As

Scots surrender the king to the English parliament.

* Rushworth, 149, 150.

† Journals of Commons. Sept. 22, 29. Oct. 9. Nov. 2, 16, *et alibi*.

these transactions were coincident in point of time, the Scots were reproached by their enemies with having sold their king. But it was deemed important by both parties that the Scots should evacuate the kingdom and disband; and not less so that the king should be retained in England; and these objects could not have been otherwise accomplished. The demands of the Scots, and of the English presbyterians, were the same; Charles had refused those demands; and he was delivered by the former to the latter until such time as he should be brought to consent to their common terms. The monarch was received by a body of parliamentary commissioners, who conducted him to Holdenby House, in the county of Northampton.

But this proceeding, which was viewed with much satisfaction by the English presbyterians, both as it would materially reduce the expenditure of the government, and as it seemed, by placing the king in their hands, to confer on them the power of dictating the conditions of a settlement, was soon found to have placed the affairs of the kingdom, as a matter at issue, between an unarmed presbyterian majority in the parliament and the capital, and the independent minority of the lower house, sustained by nearly the whole strength of the army. On the departure of the Scots, the presbyterians ceased to have a military force in which they could confide; and it accordingly became their great object to disband the army under Fairfax, which, they well knew, had been for some time governed by principles and passions most hostile to their plans. It was given out, with this view, that the war had reached its close, and that the time for returning to a peace establishment had arrived.

Relative
position of
parties in
England
from this
time.

Nor was this considered a difficult work to perform. The presbyterians in the city, in the fullness of their confidence, prepared a petition to be presented to the two houses, which prayed that no person disaffected to the covenant should be promoted to, or allowed to retain, any public trust; that persons not duly ordained should be no more suffered to preach, nor the meetings of separate congregations be tolerated; and that an ordinance should be passed to put down all heresies and schisms, by visiting their abettors with exemplary punishments. The petition further stated, that, not to disband the army, would be to justify the imputation that those who were in arms had taken to them as a trade, and not from regard to the public cause; and while speedy assistance should be afforded to Ireland, means, it was added, should be used to bring those persons to deserved punishment who had sought to forward their private ends by acting the part of firebrands between England and Scotland. This significant petition was presented by the common council, who coupled it with another from themselves, in which they prayed that all

Confidence
of the pres-
byterians.

persons in the army, whether officers or privates, who were known to be opposed to the covenant, should be dismissed; and expressed their persuasion that no difficulty would be found in supplying the place of such persons by others more trustworthy*. This last expression discloses something of the real state of parties at this moment: the motive to disband the army was not that the services of so powerful a body were no more needed, but that an army pledged to the covenant was deemed much more desirable than an army so far wedded to independency. The royalists, though dispersed, were still formidable, and the Irish catholics continued in open revolt.

It was agreed that Fairfax should retain his office as commander-in-chief. But it was also voted that every officer under his command should take the covenant, and conform to the government of the church as established by ordinance; that no commander of a garrison should remain a member of parliament; and that all offices above that of a colonel should be abolished, excepting, of course, the rank of commander-in-chief†. The object of the presbyterians in these votes was to purify the army generally from its leaven of independency, and to compel Cromwell, and other formidable opponents, such as Ludlow, Hutchinson, Ireton, and Algernon Sidney, to relinquish their connexion either with the army or with the parliament.

Hollis and Stapleton were the recognised leaders of the presbyterians in these courses, and it was altogether consistent with the narrow conceptions and angry intolerance of such persons to suppose that the acknowledged supremacy of parliament would be a sufficient protection against those expressions of resentment on the part of the army which it was natural to expect as the consequence of such proceedings‡. It should be added, that with the votes already mentioned was another, which ordered an immediate embarkation of a great part of the army under Fairfax to serve against the insurgent catholics in Ireland. At the same time, the discussions in parliament with respect to the payment of arrears, were attended with so many difficulties and delays as

* Tracts of George III. in the British Museum, vol. 290. The house of commons gave these "covenant-engaged citizens thanks for their constant good affections," and appointed the following Tuesday for taking it into consideration. When that day came, the independent party opposed the consideration of the petition, but were in a minority of ninety-nine to one hundred and fifty-six. Journals, Dec. 19, 22. The presbyterians, however, did not judge it prudent to bring the questions referred to in the petition to a decision at this juncture, and suffered the intended debate to be postponed from day to day.

† Tracts of George III. *ibid.* March 5.

‡ Hollis left some account of the times in which he lived; but it has been justly remarked that the dedication to his Memoirs is a significant warning as to the temper in which they are written:—"To the Unparalleled Couple, Mr. Oliver St. John, his Majesty's Solicitor General, and Mr. Oliver Cromwell, the Parliament's Lieutenant General, the Two Grand Designers of the Ruin of Three Kingdoms. Normandy, Feb. 14, 1648."

to warrant suspicion of a design to elude the just demands of the army even in that respect.

The crisis between the presbyterians and the independents was now at hand. The latter found themselves called upon to submit to a yoke under the name of presbyterianism, hardly less ^{Complaints} oppressive than they had fought against under the name of ^{of the army,} prelacy. They saw every practicable slight cast upon their leaders; their boasted liberty of conscience about to be wrested from them; their dismissal meditated, even without a just settlement of their pecuniary claims on the power which they had protected and established at the hazard of their lives; and, above all, one division of their strength on the eve of being drafted to Ireland, that the remainder might not be sufficient to impede measures designed to place the whole kingdom, with its new ecclesiastical establishment, under the guardianship of an army pledged to the covenant.

It was in order to intimate a determination not to submit to such a course of affairs, that the forces under Fairfax began an advance towards London. This movement led to proceed- ^{Its first ad-} ings in the commons which were designed to show the will- ^{vance to-} ingness of the house to make its promised payments to the ^{wards the} army, and to provide for its support. But a petition was ^{capital.} at the same time presented by the common council, which prayed that an order might be issued enjoining that body to withdraw to a greater distance from the capital, and that it should be disbanded without delay. These petitioners also complained of a counter-petition said to be preparing in the city, and urged, with characteristic heedlessness and intolerance, that means should be employed to suppress it, and to ascertain who were its promoters. The obnoxious petition adverted to purported to be from "many thousands desiring the glory of God, the freedom of the commonwealth, and the peace of all men," and complained particularly of the burden of tithes; of the exclusion of all persons from public trusts who did not conform to the established church; and of the many persecutions inflicted on such persons under the name of roundheads, independents, sectaries, schismatics, and heretics*.

The arrears at this time due to the army were forty-three weeks' pay to the horse, and eighteen weeks' to the foot, a sum, in the whole, considerably above three hundred thousand pounds. ^{Deputation} By a deputation for the purpose, the commons apprised the ^{from the} army of the vote in which they had pledged themselves to ^{parliament.} raise sixty thousand pounds a month for its support, ^{March 20.} and promised two months' pay to such regiments as should be disbanded. This, it will be perceived, was not one-fifth of the sum due to the cavalry, and less than half the amount owing to the infantry.

* Journals of Commons, March 11, 15, 17. Journals of Lords.

But the great object of this deputation, was to make arrangements for the embarkation of a large portion of the army to Ireland. Many difficulties were thrown in the way of this object by the council of officers in their conference with the deputation; and a petition was prepared, to express the desires both of the officers and soldiers on various matters, but particularly with respect to an act of indemnity securing them against all proceedings on account of anything in their conduct during the war—and also that measures should be adopted to satisfy them with respect to their arrears before disbanding*.

The commons became aware of this proceeding, and, in order to repress it, and to prevent any similar attempt, summoned several officers who were suspected of being its promoters to their bar†. On the same day it was voted that three regiments, commanded by colonels who were known to be zealous presbyterians, should form part of the force to be retained in England. Hollis, who was not without that sort of courage which arises from an insensibility to danger, concluded this day of bold measures by proposing that all persons adhering to the said petition should be prosecuted as enemies of the state, and this motion, carried at a late hour in the commons, was approved the next day by the lords‡. Such proceedings, against an army consisting of such men, were unjust and singularly impolitic.

The deputation to the army from the commons on the twentieth of March, was followed by another, which appeared in its quarters on the thirteenth of April. Colonel Lambert, in behalf of the assembled officers, insisted on the terms stated in the former conference. He wished also to know who would be entrusted with the command of the force which it was proposed should go to Ireland. The answer was that general Skippon, an officer acceptable to all parties, had been named as commander-in-chief; and that colonel Massey had been chosen to act as his general of the horse, an arrangement having been made to retain the regiments of Fairfax and Cromwell among those which should remain in England. The name of Massey, who was a known adherent of the presbyterians, was not heard with approbation. Skippon, it was said, must be too sensible of his years and infirmities to accept of such a trust; and, in conclusion, it was stated that no objection would be made to the service in Ireland if the men were allowed to embark for that kingdom under their present commanders§.

About ten days subsequent, the commons went into a debate on the

* Waller's Vindication, 42—45.

† Rushworth, vi. 444. Journals of Commons, April 1.

‡ Ibid., March 29, 30. Waller, 61—63. Rushworth, vi. 470.

§ Commons' Journals, April 7, 8, 23, 27. Journals of Lords. Waller, 77—85. Rushworth, vi. 444—474.

propriety of accepting the offer thus made by the convention of officers. But the report of their deputation a few days later being somewhat more favourable, their old persuasion—that nothing but firmness was wanting to accomplish their objects—returned, and they voted that such of the army as did not proceed to the service in Ireland according to order should be paid arrears for six weeks and disbanded. The officers interdicted from acting for the men in regard to their grievances.

Filled with this ill-grounded confidence, mainly in consequence of the majority which they could command in the two houses and the city, they continued to summon the most popular officers to their bar, on the charge of tampering with the soldiery in opposition to the wishes of the government. Some they committed to prison, and the whole body was not only threatened with punishment should they be detected in fomenting discontents, but were commanded to abstain from taking any part with the men under them in their attempts to obtain a redress of their pretended grievances*.

One immediate effect of the separation thus produced between the men and the officers, was the institution of a sort of representative body from among the former, consisting mostly of non-commissioned officers, which subsequently became so memorable under the name of the council of agitators—a designation which originated in a corruption of the word adjutators, or helpers. Rise of the Agitators. If the civilians at Westminster had found the convention of officers unmanageable, their difficulties were of necessity multiplied by the imprudence which called forth this new power. The officers were a kind of middle class between the men whom they commanded, and the parliament with which they were at issue, having interests and sympathies in common with both; but this new council promised to embody the extreme principles and passions of the great body of the military, without the benefit of those modifications which the superior intelligence of their leaders would naturally have suggested. The officers had been censured when appearing in the character of petitioners, though on matters strictly military; but a more dangerous body was now about to appear in that character, and one which was not likely to be content with an interference on military affairs alone.

* Rushworth, 485. "We hope, by being soldiers, we have not lost the capacity of subjects, nor divested ourselves thereby of our interest in the commonwealth; that, in purchasing the freedom of our brethren we have not lost our own." Vindication of the Officers of the Army under sir Thomas Fairfax. Rushworth, vi. 469, 470. "Many complaints and cavils were made against the officers and soldiers of the army, as holding erroneous and schismatical opinions contrary to true doctrine; and that they took upon them to preach and expound scripture, not being learned or ordained; those who were lately in the highest esteem and respect, as freers of their country from servitude and oppression, are now, by the same people, looked upon as sectaries:—thus we see the inconstancy of the giddy multitude." Whitelocke, Feb. 2, 1646.

The first public act of the council of agitators was to present a letter to their generals, Fairfax, Cromwell, and Skippon, bearing date the twenty-eighth of April, in which they complained of having been denounced as enemies of their country, and that by men, who, suddenly tasting the sweets of power, had forgotten their duties and professions, and were degenerating into tyrants. They spoke of the expedition to Ireland as an affair which had been so managed as to become a manifest expedient for putting an end to the army; and they were not disposed to witness its dissolution, until those rights of the subject, for the sake of which they had become soldiers, should be conceded and secured.

When this document was presented to the commons, it was moved that the three soldiers from whom it had been received should be sent to the Tower. Cromwell considered it important to check this vindictive course for the present, and by his strong assurances that the army was by no means in so unmanageable a condition as the house seemed to conclude, put an end to the debate. He also accepted a commission with Skippon, Ireton, and Fleetwood, to go to the quarters of the military, and, by promising a bill of indemnity, and a further payment of arrears, to bring about, if possible, a settlement of differences*.

It may be safely credited, that all these commissioners, except Skippon, had been chief parties in encouraging and directing the agitation which they were sent to allay. But, with a majority against them in the two houses, it was only by such subtle policy, or by an immediate appeal to force, that their objects could be accomplished†.

This military deputation stated the matter of their errand to a council of officers; but the officers observed that they were not competent to express the opinion of the army without consulting the several regiments; and the commissioners agreed to defer their answer for a week, that the proposed conferences might take place. When the officers next assembled, it was reported as the wish of the army, that its grievances should be the first matter of consideration, and with this method of proceeding Skippon concurred, though a small minority of officers in the army, who afterwards proved to be persons of no influence, dissented from it, and subsequently expressed their dissent by protest‡.

The commissioners wrote to the two houses, stating that their nego-

* Rushworth, v. 474, 475, 485, 486. Ludlow, i. 164. Warwick, Memoirs, 329.

† Cromwell's great aim in parliament at this crisis was to deceive the presbyterians, but that he succeeded by artifices of so vulgar a description that the most short-sighted must have seen through, which is the account of his enemies, is hardly credible.

‡ Rushworth, vi. 480, 491. Journals.

tations were beset with many difficulties, and requesting that the time allotted them might be extended. The answer to this application was an order that one or more of the deputation should report their proceedings to the house personally without delay, and the report made, accordingly, by Cromwell and Fleetwood, was followed by votes which declared that the soldiers should have satisfactory security for their arrears, and a bill of indemnity for their conduct during the war, and that they should not be liable to impressment for any service beyond sea. Four days later, several votes were recorded, stating when and where the regiments not included in the expedition to Ireland should be disbanded; and by these votes the ill-concealed struggle between the two great parties was brought to an open crisis *.

Votes to disband the army.

May 25.

The first march of the army in its advance toward the capital was to Saffron Walden, where it had continued until this time. It was now removed from that place, and its quarters were fixed at Bury St. Edmunds. On the twenty-ninth of May, four days afterwards, a council of war was convened at Bury, at which about two hundred officers were present. Before that assembly, the council of agitators presented a petition, in which they described themselves as astonished that the measure of disbanding should have been determined upon so suddenly, while the grievances of the army remained unredressed, and its character without any vindication from the aspersions which had been cast upon it,—aspersions which would be perpetuated rather than wiped away by disbanding the several regiments in the manner proposed, each being removed to a distance from the rest. They had been called enemies of their country, because they had presumed to appear as humble petitioners on a matter of right; and what would men see in this strange method of disbanding except suspicions tending to give strength to that calumny? They accordingly entreat that the army might be brought together, and that no disbanding should be permitted so long as they were without a redress of their grievances; and the general, by assisting them to accomplish this object in an orderly manner, would fill them with joy, and cause them to "acknowledge themselves his faithful servants." The council of officers were all but unanimous in deciding that the advice of this petition should be acted upon. This result was communicated to the two houses, and Fairfax himself declined meeting the commissioners at Chelmsford, the place where his regiment was to have resigned its arms. The commissioners were in consequence recalled; and Cromwell, finding that his policy would no longer avail to protect him from the resentment of the party which he had been labouring to counterwork, withdrew from the senate to the

Further advance of the army—refusal to disband.

* Rushworth, vi. 483—485. Journals, May 21, 25. The motion for disbanding was carried by 136 against 115.

camp. This was early in the morning of the third of June—the day on which his enemies had intended committing him to the Tower*.

That day the commons voted, upon the advice of Skippon, that the private soldiers should receive their full arrears, instead of the seventh part only, which was the last offer made on that point; that one month's pay, beyond what was before voted, should be added to the sum received by the commissioned officers; and that the declaration which had denounced military petitioners as enemies of their country should be erased from their journals†. But much of the wisdom of government consists in knowing when to concede with advantage. What is yielded from necessity is never accepted as a boon. In such cases, the party extorting, and the party who surrenders, too commonly acquire a fixed jealousy and dislike of each other before the moment of victory or defeat has arrived, and the first concession, in consequence, is rarely the final one.

The morning on which Cromwell left London, one of his favourite officers, cornet Joyce, presented himself before Holdenby House at the head of a troop of horse, and, without opposition, obtained possession of the king's person. Fairfax looked on this bold proceeding, which originated in the more profound policy of Cromwell, with surprise and alarm, and despatched a regiment of horse to restore the monarch to his residence at Holdenby. But Charles would not be reconducted thither. He complained that since his surrender at Newark he had been denied the service of his own chaplains, had been secluded almost entirely from his friends, and subject to much vexatious treatment. From his new protectors he professed to expect better conduct; and the men who had conquered him in the field were no doubt sincere in condemning the domestic intolerance which he had experienced, and in promising to be more considerate of his feelings and condition‡.

The spot chosen by the army as its place of rendezvous was Newmarket, where a document was produced which bore the name of "a solemn engagement." This paper bound the officers and soldiers subscribing to it, neither to disband nor separate until their alleged grievances were redressed, nor until means should be adopted to protect themselves, and other freeborn people of England, against such abuses and oppressions as had been of late practised towards them. At the same time the

* Rushworth, vi. 497—499. Clarendon, Hist., v. 435, 436. Ludlow, i. 165.

† Journals of Commons, June 1, 3. Lords, 5. Waller, 180, 134. Rushworth vi. 500—503, 518, 547.

‡ Wood's Fasti, ii. 80—83. Rushworth, vi. 513—517. Warwick's Mem., 331 Lords' Journals, 237, 240, 248—250. Somers' Tracts, v. 394.

parties to this engagement disavowed all hostility either to magistracy or to presbyterianism, declaring that their sole object was to obtain for themselves and others liberty of conscience and equality of civil rights. This object accomplished, it would not be found that they were unwilling to obey the parliament by disbanding, or by proceeding to the service in Ireland. One important preliminary, indeed, was mentioned as necessary to the security of this general object,—the placing of the government in other hands. Its present possessors were described as having added calumny to oppression in their conduct toward the army, and as being, on many accounts, no longer trustworthy *.

The engagement was adopted on Saturday, the fifth of June, and on the following Monday the commons sent a deputation to the army, including Vane and Skippon, for the purpose of stating that no time would be lost in completing measures to remove the present discontents. The deputies were also required to read to the several regiments the conciliatory votes of the two houses, which had been recorded about a week before. But no regiment could be induced to return any answer to these communications until the council of agitators should be consulted †. On the evening of the same day, a letter, signed by Fairfax, Cromwell, and the principal officers, announced to the corporation of London, that the army was about to make its appearance in the vicinity of the metropolis. Their object in this movement was not to disturb the existing government, either civil or ecclesiastical, but to claim, as a matter not less due to them than their wages as soldiers, that all men, conducting themselves as peaceable members of the state, may be secured in the enjoyment of the same measure of civil and religious freedom. The city authorities were also reminded, that, however tempting the spoil of so rich a capital might be to a multitude of famishing mercenaries, its wealth would not be in the slightest degree endangered by the army about to appear at its gates—unless, indeed, some considerable portion of its inhabitants should be so misguided as to oppose themselves to those reasonable objects which the men who had put down the despotism of the throne and the hierarchy were determined through all possible hazards to secure‡.

* Rushworth, vi. 510—512. Whitelocke observes, under the date of the nineteenth of June :—"It was strange to see how several counties and citizens of London began to make all their applications to the general and the army, omitting the parliament."—p. 257.

† Rushworth, vi. 545, 556.

‡ Rushworth, vi. 554, 555. "In these declarations and transactions of the army, colonel Ireton was chiefly employed, or took upon him the business of the pen ; and having been bred in the Middle Temple, and learned some grounds of the laws of England, and being of a working and laborious brain and fancy, he set himself much upon these businesses, and was therein encouraged and assisted by lieutenant-general Cromwell, his father-in-law, and by colonel Lambert, who had likewise studied in the Inns of Court, and was of a subtle and working brain." Whitelocke, 257.

This letter was immediately presented to the two houses, and a message was sent the same day which ordered that the army should choose its quarters at the distance of at least forty miles from the city. But its march was continued, and the next evening it halted in the neighbourhood of St. Albans. This resolute conduct spread dismay among the presbyterians. The common council now deputed four aldermen, and some leading citizens, to assure the commander-in-chief that they felt anxious to see the just demands of the army complied with, and that certain warlike preparations which the city had just made, had not been resorted to with any intention of opposing the army, but for the purpose of protecting the capital against injuries, which, in such an unusual posture of affairs, might proceed from other quarters. It was expressed, however, as a hope, that Fairfax, with this understanding, would not quarter his forces at a less distance from the metropolis than thirty miles; and the majority in parliament, obstinate and passionate as they had shown themselves, forsaken thus by their great ally the city, were obliged to concur in this virtual surrender to the power of the military*. The military defended themselves by saying, that in the parliament which they opposed it was only by a very small majority that their enemies prevailed; that the power, and the very existence of that authority, was the fruit of what the army had done in its cause; that the army which had thus served the parliament was not of a character to be judged according to ordinary rules in such cases; that the plans of the ascendant party in both houses embraced a system of religious tyranny even more inquisitorial, and more sanguinary, in some respects, than that which had been exercised by the bishops; and that the scornful and headstrong demeanour of that party toward all who presumed to dissent from them, even while the opinions, the feeling, and the strength of the army were well known, afforded but a gloomy prospect to the friends of equal rights and liberty of conscience, when the present army should be disbanded, and the whole power of the country should pass into such hands.

The pacific communication from the common council and the two houses was received on the twelfth of June, and two days afterwards a declaration was agreed to by the army, which called for the removal of several members from the lower house, as being persons who had either acted against the parliament during the war, or had been conspicuous in the late unjust proceedings with respect to the army. This declaration referred also to the importance of fixing upon some expedient time for the dissolution of the present parliament; and recommended the passing of certain ordinances for the purpose of rendering

Submission
of the city
and parlia-
ment.
June 12.

Declaration
of the army
—accusation
of eleven
members.

* Rushworth, vi. 557, 558. Journals, Commons, June 11, 12.

the times when such assemblies should meet, and their course of proceeding, more independent of the pleasure of the crown. It further recommended that such measures should be adopted with regard to the command of the militia, and other questions, as should not fail to secure the liberty of the subject, both for the present and the future. Eleven members, including Hollis and Stapleton, were mentioned by name, as persons who had proved themselves unfit to be entrusted with any place in the government or the legislature*.

The answer of the presbyterian majority in the commons to this declaration, was by an order which required the army to withdraw to the distance of forty miles from London, and demanded that the king should be conducted to Richmond. The army at Uxbridge. June 25. They must have been weak men who did not see that so poor an artifice would be at once detected and resisted by the military chiefs. No sooner were these demands reported, than the army, which had withdrawn to Berkhamstead the day before, marched in three divisions into the neighbourhood of Uxbridge, Brentford, and Harrow, and the accused members consulted their safety by absenting themselves from their places. Charles manifested a strong disposition to remove to Richmond, but was deterred from doing so, partly by the policy of the officers, who, contrary to the practice of the presbyterians, allowed his friends and chaplains free access to him, and partly by a further vote of the two houses which recommended his still remaining at Royston †. In consequence of some favourable votes in parliament, the army again retired from Uxbridge to Wycombe; but on the next day the accused members suddenly demanded that they should be brought to trial; and certain attempts, which had been made for some time to seduce the officers and soldiers from serving under their old leaders, and, by that means, to augment the force in the capital, were renewed. The charge against the eleven members was presented on the appointed day, and an answer was returned, but both parties appear to have judged that their advantage would be found on the side of delay ‡. In the meantime the principal officers endeavoured to interest the feeling and judgment of the king in their favour, by permitting him to have his children about him for some days, and by assuring him of the disposition of the military to restore him to his throne on reasonable conditions. They also required from the two houses, that the command of the city militia should be placed in other hands, the persons to whom it was at present

* Rushworth, vi. 564—571. Commons' Journals, June 6, 8, 15.

† Rushworth, vi. 562, 580, 592, 593. There were two divisions in the commons relative to the king's being removed to Richmond, on the first of which the majority was 140 to 110, the second 146 to 115. Journals, June 15. Ludlow, i. 171. This writer states that the king began to be displeased just now with the army, because its officers declined accepting "honours or advantages from him." Ibid. Charles had conferred titles on several persons since his surrender to the Scots.

‡ Rushworth, vi. 595, 607, 627. Whitelocke, 259—262.

entrusted being all presbyterians. The partisans of the independents in the city supported this demand by a petition to parliament, praying that a former committee, which had been removed to make way for the present, might be restored. But this was followed by a petition of an opposite tendency, strongly expressed, and signed by ten thousand persons; and by a declaration called "the engagement," which bound the multitudes who joined in it, to support all proceedings which promised to bring the king to London and to facilitate a settlement between the monarch and the parliament*.

The house of commons condemned the engagement as treasonable; and the eleven members, with a vacillation which had
Excitement in the city. marked the recent conduct of the presbyterian leaders, ob-
 July 20. tained permission not only to withdraw from their places, but to go beyond sea, for a time not exceeding six months.

This appearance of moderation or timidity on the part of their chief men in the commons, and a vote of the two houses which put aside the authority of the corporation by restoring the old committee for the command of the militia, were so ill taken by the presbyterians in the city, that petitions from various classes of persons were immediately prepared, complaining, in strong terms, that so much injustice should have been done to the corporation, and that "the engagement," which had been agreed to for purposes so loyal, and so consonant with all good government, should have been not merely discountenanced, but denounced as treasonable. The petition to this effect from the common council was presented on the twenty-sixth of July, and the next morning was appointed for deliberating upon it †.

But the impatience of the multitude would not brook even so short a delay. Crowds, in which rude boys and apprentices formed
Votes extorted from the parliament by tumult. a large proportion, gathered round the house, and while some held open the doors of the commons, others rushed in, and, with their hats on, continued to shout "Vote! vote!"

To satisfy these assailants, the obnoxious ordinances with respect to the engagement and the militia were rescinded. The confidence of the crowd engaged in these disorders arose from the known sentiments of their superiors. But after the common council and others, who were the real authors of this violence, had made their appearance to restore order, and had retired, another body of persons forced their way into the house, and, compelling the speaker to resume the chair after an adjournment, extorted a declaration that measures should be forthwith taken for bringing the king to London ‡.

* Rushworth, vi. 629—642. Whitelocke, 261, 262. Commons' Journals, July 13, 14.

† Rushworth, vi. 628—642. Whitelocke, 262, 263. Journals' Commons, June 26, July, 20, 22, 23.

‡ Whitelocke, 263. Rushworth, vi. 643, 644. Waller, 183. Journals' Commons, July 26. "While the two houses were in debate some of this insolent multitude, getting to the windows of the house of lords, threw stones in upon them,

It is probable that the accused members expected some strong expression of popular feeling to follow the appearance of a solicitude for peace, which they assumed in their profession of a wish to withdraw altogether from the present contentions. But it is easier to raise the passions of the populace, than to keep them within the bounds of prudence; and nothing could have tended more strongly to justify a nearer interference of the military with the conduct of parliament, than the necessity thus presented of protecting it against the assaults of a lawless multitude. Charles was not inobservant of these violent proceedings in the city, and secretly expressed his approval of them, everything which served to place the two parties in an equipoise, or to embroil their affairs, being regarded by him as favourable to the part which he was disposed to act as an umpire between them*.

As the natural consequence of such proceedings, and of the attempts which were continually made to detach the disaffected and the wavering from its ranks, the army had become more and more united and organised with a view to the accomplishment of its objects, and much less scrupulous about an immediate proposal of those political reforms and arrangements which were deemed expedient for the public interest. While the city was the scene of the excitement and disorder now described, the wisest men in the army, some of whom had been educated as lawyers, and others were naturally profound politicians, were employing themselves in framing a scheme for the settlement of affairs which was to be submitted to the approval of the king and of the two houses.

This scheme provided that a new parliament should be convened every two years, upon a principle of election which required the extinction of decayed boroughs, and which regulated the number of members for boroughs and counties according to their relative extent and property. In its first session each parliament was to deliberate for one hundred and twenty days, after which space, and not before, it might be adjourned or dissolved by the king; and at the close of a second session of the same extent it dissolved of course. In all cases of impeachment, the judgment of the commons was made to be necessary to any sentence of condemnation pronounced by the lords, and the king was not to have the power to pardon when the two houses agreed in their verdict. The command of the militia was to be vested in the

Scheme for
the settle-
ment of the
constitution
proposed by
the army.
Aug. 2.

and threatened them with worse usage, unless they gave them an answer to their liking; others knocked at the door of the house of commons, requiring to be admitted, but some of us with our swords forced them to retire for the present; and the house resolved to rise without giving any answer, judging it below them to do anything by compulsion. Whereupon the speaker went out of the house, but being in the lobby, was forced back into the chair by the violence of the insolent rabble, whereof above a thousand attended without doors, and about forty or fifty were got into the house, so that it was thought convenient to give way to their rage." Ludlow, i. 178.

* Bamfield, sect. 68. Berkeley, 28, 33.

two houses for the next ten years, and to be resumed by the king at the close of that interval with the consent of parliament. The persons who should constitute the council of state now to be appointed were to be chosen with the concurrence of all the negotiating parties, and to hold their offices during good behaviour, but not for a longer period than seven years. The parliament, which was to retain the power of war and peace, was also to nominate the officers of state for the next ten years, and after that time was to be empowered to present three candidates for each of such offices, from which the king might make his selection. The prelates might be restored, but without the power to inflict any civil penalty upon any man on account of religion; nor were any means to be employed to compel the use of the common prayer, or the adoption of the covenant. With these more important provisions, were some enlightened proposals with respect to the choosing of grand jurymen, the appointment of sheriffs, the right of petitioning, and the reform of various evils connected with tithes, law-suits, and imprisonment for debt *.

Some of the men who had been most occupied in the preparation of this scheme—a scheme which, all circumstances considered, was singularly wise and moderate—were determined republicans; but they felt that they had to negotiate for a nation in which an attachment to monarchy was still the prevailing sentiment, and not for the comparatively small sect which shared with them in their greater admiration of the commonwealths of the ancient world †.

The conduct of the monarch, however, made this effort in the way of compromise wholly unavailing. His language, when these overtures were made to him, was so haughty and irritating as to destroy all hope of conciliation in those who proposed them, and excited regret and astonishment among his friends who listened to it. Berkeley, one of his attendants, ventured, at length, to whisper to him,—“Sir, you speak as though you possessed some secret strength unknown to me, and, since it is unknown to your friends, I wish it had also been kept a secret from these men.” Charles felt the prudence of the suggestion, and made some attempt to soften his expressions—but the mischief was not to be repaired ‡.

738, 739. “The king was strongly urged by some Berkeley, to close with these proposals, as the army could not be confided in, if exposed to disappointment, 174.

The king was conducted from Newcastle to Holmby see him, falling down before him, bringing their courting him as only able to restore to them their

l. 174, 177. Not more than two or three days after y in the commons issued an order which required the royal chaplains Sheldon and Hammond, and all persons “of like condition,” should be denied access to the king—a proceeding which

The mobs of the capital extorted the required votes from the parliament on Monday the twenty-sixth of June, and on the following Thursday the speakers of both houses, with about fourteen lords, and one hundred commoners, left the city, and two days later placed themselves under the protection of the army on Hounslow Heath. Little authority attached to the fragments of the two houses which remained at Westminster, and though the force at the command of the city was more numerous than the army advancing against it, the want of that discipline, and deep interest in the matters at issue which characterized the army under Fairfax, rendered all the hostile preparations made by his opponents rather ridiculous than formidable. On the seventh of August the army marched through London without the slightest appearance of opposition or disorder; the two houses assembled; the speakers resumed their seats; Fairfax received their thanks, and accepted from the hands of the lords and commons the office of constable of the Tower*.

should have made Charles still more sensible of the impolicy of his conduct toward the army. Journals, June 28.

* Rushworth, vii. 750, 751. White Locke, 265, 266. Fairfax says, that after the tenth of June, he gave a formal but not a real consent to anything that was done by the council of officers. Somers' Tracts, v. 396. It must be remembered in connexion with remarks of this nature, that Fairfax wrote his Memoirs after the Restoration, and then manifested the prevalent solicitude to propitiate the new power. Journals' Commons, *ubi supra*. Great effort was made to procure as large an attendance in the commons as possible after the withdrawing of the independents, even the accused members being commanded to be present, but the greatest number assembled on any division was 105. Ludlow, i. 179—182.

CHAPTER XI.

Unfavourable position of the King after rejecting the proposals of the Army—Negotiations renewed—Intrigues of the King against the Army—The Levellers—Check given to them—Rendezvous at Ware, Mutiny suppressed—The King escapes from Hampton Court—Hostility of the Army to him—The four Bills tendered to him—They are rejected—His hope of escape frustrated—Vote of non-addresses—Popular feeling in favour of the King—War declared in Scotland—Risings of the Royalists in England—Defeat of the Scots at Preston—Surrender of Colchester—Death of Lucas and Lisle—Cromwell in Edinburgh—State of parties in England—Treaty of Newport—Menacing language concerning the King—Charles accepts the Newport propositions—He is conducted to Hurst Castle—Members excluded from the House of Commons by the Military—Cromwell returns from Scotland—Conduct of the Army in proceeding against the King considered—Trial of the King—Judgment pronounced against him—Preparations for death—His execution—Character.

WHEN Charles rejected the proposals of the army, he said—"I shall see them glad ere long to accept of more equal terms;" Unfavourable position of the king after rejecting the proposals of the army. and even Clarendon at that juncture was of opinion that the army had "as much or more need of the king than he of them*." It was this misconception with respect to the use which it would be possible to make of the dissensions between the military and the parliament, and the difficulty of bringing himself to suppose that his condition was really so powerless as circumstances seemed to demonstrate, that led the king to trifle with an opportunity of recovering his throne on conditions more honourable to himself and advantageous to his people than had hitherto been placed before him, or than were again to be submitted to him†. Colonel Rainsborough left the conference in disgust, and made a faithful report to the army of the high and sharp expressions in which the monarch had indulged; and from this time, all the attempts of the officers to procure a settlement which should include the restoration of the king, only served to bring upon themselves the suspicion and resentment of the body of the men, and of the agitators.

The parliament, being reassembled after the interval of disorder from the twenty-sixth of July to the sixth of August, was pre- Negotiations renewed. vailed upon by the officers to make one more effort for the restoration of peace, which was done by recommending the old propositions submitted to the king at Newcastle to his further consideration. But those propositions were based upon the league and covenant, and the military leaders heard with much pleasure that the

* Ludlow, i. 176. Clarendon Papers, ii. 379.

† Berkeley had declared to the king, previous to that ill-fated conference, that never had a lost sceptre been tended again on such favourable terms. Mem. *ubi supra*.

king professed to look upon the recent propositions of the army as more tolerant and equitable, and as being in consequence more adapted to become the groundwork of an adjustment. It was hoped that not more than three weeks would be required to complete a settlement upon that basis. But nearly two months passed, and Cromwell and his colleagues were still, notwithstanding all their labour, at some distance from their object—so difficult was it to bring the council of officers and the agitators, and the lords and commons, to such an agreement as might be expected to obtain the approval of the king.*

In the mean time it was ascertained that the monarch had no sincere intentions toward peace upon such terms. He still indulged the hope of obtaining military aid from Ireland and Scotland, and flattered himself that, by bringing an army of covenanters from the north against the army of the independents, he should soon be placed in a position to summon the scattered royalists in both kingdoms to his standard, and so to recover what he had lost. His intrigues with all these parties had led to the adoption of some extended and definite plans of action, when they were detected by Cromwell and Ireton, who, at their next meeting with Ashburnham, expressed high indignation on account of the perfidy which they had discovered in his master. It was the proposal of the king, they said, to renew negotiations with the army; and its leaders, with much labour, and at considerable hazard to their reputation, had endeavoured to serve him—in return they found him laying plans for their ruin. Ashburnham affects to treat these accusations as a malicious invention, but the contrary appears from Clarendon.†

Intrigues of
the king
against the
army.
Oct.

* Journals. Berkeley, 39—43.

† Ashburnham, 94, 95. Clarendon, Hist. v. 476—479.—The army allowed the king to see his friends without restraint, and it was for the purpose of maturing the plans adverted to that he held frequent conferences with the marquis of Ormond, lord Capel, and the Scotch commissioners. Of the disposition of the Scots, Baillie thus writes—"If the king be willing to ratify our covenant, we are all as one man to restore him to all his rights, or die by the way." ii. 260. Clarendon Papers, 70—72. Rushworth, vii. 795. Burnet's Hamiltons, 324. Berkeley, 48, *et seq.* There is some reason to believe that the particulars mentioned in the text were not the worst of their kind that occurred at this time. Cromwell and Ireton agreed, according to lord Broghil, in stating that, by the assistance of a spy from the king's bedchamber, they succeeded in discovering a letter which was sent at this juncture by Charles to Henrietta, in which, to lessen her displeasure on account of his reputed concessions to those persons and the army, he assured her that he should "know in due time how to deal with the rogues, who instead of a silken garter should be fitted with a hempen cord." Cromwell and his son-in-law, according to Broghil's account, disguised themselves as troopers, and found the letter concealed in a saddle at the Blue Boar, in Holborn. Morris's Life of Orrery, Orrery State Papers. Suspicion attaches to this anecdote, from the circumstance that Cromwell should have made no public use of it. But his ill-grounded confidence in the king had exposed him to censure enough, without his giving strength to such invectives by disclosing a circumstance of this nature. Coke, in his Detection, mentions the letter without the least doubt of its authenticity, ii. 398. And lord Oxford assured lord Bolingbroke, that he had seen the original. Richardsoniana, 132.

Charles soon experienced the evil effects of this conduct. The spirit of the army became daily more violent ; and those who had been accustomed Revolutionary to exercise the greatest control over it, began to look upon temper of the their power with apprehension. The agitators were heard army. The Levellers. to change their discourse, and to complain openly in council, both of the king, and of the malignants about him. The monarch had rejected their proposals, and they now knew of no relation subsisting between him and themselves. It only remained that they should consult their own safety and the public good, and, as those objects would be much better secured by a commonwealth than by a monarchical constitution, they spoke of being empowered by the right of the sword, to which both parties had appealed, and which Providence had awarded to themselves, to make this desirable change in the institutions of the country*.

Much of the dangerous efficiency which these men possessed as speakers was the effect of their having taken upon them the office of preaching. The clergy who were at first connected with the several regiments as chaplains, soon retired from a mode of life so little congenial with their habits. They first saw war at the battle of Edge-hill, and few of them exposed themselves to the sight a second time. But the consequence was, that the services of religion were left to fall almost into disuse, or to be conducted by military men. Baxter saw the evil which had arisen from this source much before the present time, and spoke of himself and his brethren as censurable in having so soon relinquished their connection with the army.† Preachers were ere long found to supply their place, but they were mostly little competent to the office they assumed, and too soon became characterized by a conceit and dogmatism affecting all their views both of religion and politics. Mrs. Hutchinson, indeed, describes this class of republicans as consisting, at the present juncture, for the most part, of “public-spirited and good-hearted men,” who aimed at little more than to counteract the ambition of certain leaders both in the parliament and the army ; and the same writer has been careful to distinguish between these persons, “as men of just and sober principles, and honest and religious ends,” and the people who afterwards appeared under the nickname of levellers, and who “endeavoured the levelling of all estates and qualities ‡.” It is not to be doubted, however, that the republicanism of the private soldiers had been connected from the first with not a little fanatical extravagance ; and as this feeling increased in that quarter, and as more moderate men sometimes deemed it prudent to make use of it in the struggle of parties, it is not surprising that the more sober commonwealthmen and the levellers should have been confounded by their enemies, and that the same obnoxious appellation should often have been given to both §. The individuals who placed themselves at

* Ludlow, i. 184—186.

† Memoirs, ii. 427, 128.

‡ Life, Lib. i. part i. p. 51.

§ Baxter's Life, 50—55.

the head of the malcontents in the army at this moment were major Scot, and the colonels Ewer and Rainsborough; and their jealousy was particularly directed against Cromwell, Ireton, and Vane.

On the first of November the agents of no less than sixteen regiments concurred in the adoption of a paper bearing the title of an agreement of the people, and containing the leading principles of this sect*. According to this avowal of their opinions, they were concerned to vest the sovereign power in the representatives of the nation, independent of the consent or concurrence of any other person or persons—their constituents being their only superior. They claimed equal protection from the laws; exemption from all forced service either in the army or navy; and full liberty of religious worship. That parliaments might be a more adequate representation and exercise of the popular sovereignty, it was urged that the right of suffrage should be much extended, and that all such assemblies should be convened anew at the close of every two years, and the session of each year be a sitting of six months†.

These proceedings were opposed with some spirit by the two houses, and were discountenanced in every practicable way by Cromwell and Ireton, who, whatever may have been Check given to them. their private speculations, were satisfied that the country was in no state to be governed by such principles, and still less by such men‡. That something might be conceded to the temper of this faction, the parliament agreed to deprive the crown of its negative voice on bills, after passing the lords and commons; and Cromwell so far yielded to the stream as to vote with the council of officers upon the resolution that no further attempt should be made toward negotiating with the king: But these concessions did little to check the present spirit of insubor-

* These "agents," though they sometimes called themselves "agitators," were a distinct class;—the agitators, in their turn, having failed to be sufficiently animated by the growing revolutionary spirit.

† Rushworth, vii. 859, 860. Five of these regiments had adopted a similar paper, but drawn up in more general terms, a fortnight before, entitled, "The Case of the Army." Ibid, 845.

‡ Ludlow, with his usual prejudice against Cromwell, ascribes his conduct in this particular to a desire of making the army more subservient to his plans of personal ambition. But of this there is no proof. His plans, so far as they can be known, no doubt promised more advantage to himself than those which obtained the suffrage of the agitators and their adherents, but they were such as may have originated in a more enlightened regard to the claims of his country, i. 192, 193. Mr. Godwin, also, has represented Cromwell as insincere in his transactions with the king, but founds his views on a tissue of surmisings which are much more amusing than satisfactory. Berkeley states that the king distrusted the officers, particularly Cromwell and Ireton, because they would not accept of favours from him. Such conduct seems to bespeak the sincerity of their dealing with the king, and to refute the slanders which were circulated as to their intended promotion in the king's government. Mrs. Hutchinson expresses herself fully satisfied as to Cromwell's sincerity in these proceedings. Mem. ii. 111. According to a rumour sent abroad by that notorious court gossip the countess of Carlisle, Charles was pledged to create Cromwell earl of Essex, and to make him commander of the guard.

dination, and it was manifest to sagacious men that, without prompt and decisive measures to curb this arrogance, all would be lost.

Rendezvous
at Ware—
Mutiny sup-
pressed.
Nov. 16.

Fairfax, who had always looked on the proceedings of the agitators with suspicion and displeasure, assembled a council of officers to deliberate on the best means of counteracting these projects, and of removing the distempered feeling in which they originated. It was resolved that the officers and agitators should repair from the head-quarters at Putney to their different regiments, in order that their influence might be employed in restoring discipline—the “agents” having been the parties just now most employed in producing this spirit of discontent, on which both the country and the parliament began to look with alarm. Several places of rendezvous were accordingly appointed, in the hope of finally adjusting all differences. In the mean time, the general urged on the parliament the importance of making some speedy arrangement for the payment of arrears, and on similar matters, as a course of proceeding that could not fail of rendering it manifest that the army was still intent on the good of the kingdom. This was on the ninth of November, the day after the meeting of the council of officers at Putney. On the same day a petition was presented to the house from certain agents of the army,—the same who had drawn up “the case” of that body,—praying the house to take the latter document into consideration. The “petition” and the “case” were both condemned, as opposed to the privileges of parliament, and to the fundamental government of the kingdom; but some steps were taken with a view to the payment of arrears, and toward making a better provision for the wants of the soldiers.

On the thirteenth, the appointed rendezvous took place at Ware, the head-quarters having been removed two days previously to Hertford. One brigade only had received orders to be present on that day; but besides the six regiments which it included, two others made their appearance. The general began by reading to each regiment a remonstrance agreed upon by the council of officers, and addressed the men in such terms as called forth loud applause, and all seemed to join in the pledge “to adhere to the general,” notwithstanding the efforts made by Scot, Eyre, and others to induce them to declare for “the agreement of the people.” But the two regiments present without orders were those commanded by Harrison and Lilburne, long known, particularly the latter, as the most mutinous in the army. Harrison’s regiment appeared with a motto in their hat—“England’s freedom and soldiers’ rights;” but were prevailed on by the general to destroy the mottoes, and to promise obedience. Cromwell now rode up to Lilburne’s regiment, and called upon them to follow so proper an example. But he called in vain. The moment required decision. A council of war was called on the field, some fourteen of the more mutinous were seized, three were condemned, and one of this number, chosen by lot, was instantly shot at the

head of his regiment. Eleven were placed in the hands of the marshal as a security for the obedience of the rest. By this decided method of proceeding the boldest were intimidated, and discipline was restored*.

Five days before this occurrence, Charles had made his escape from Hampton Court. He had been led to regard the changing temper of the army with apprehension. The officers who endeavoured to serve him had become on that account exceedingly unpopular. Ireton was excluded from the council of his colleagues, and Cromwell was threatened with impeachment; and the monarch saw, that, should the effort about to be made to restore subordination prove unsuccessful, not only his throne, but his life might be in imminent danger. But in what quarter should he seek an asylum? It was the advice of some that he should go to London and present himself at once in the house of lords. But it was objected that such a proceeding would probably lead to a collision between the city and the army, and subject the king to the charge of encouraging a second war. The recommendation of others was that he should leave the kingdom, but Charles, with his wonted confidence in the use that might be made of contingencies, spoke of the expected rendezvous at Ware as likely to make the officers more than ever dependent upon him, either for security if they failed, or for the accomplishment of their ultimate object if successful. An escape to Jersey was mentioned, but not entertained; concealment in some secluded part of the country, but that was deemed impossible. In the mean time, the Scots commissioners pressed him to deliver himself at once from his perplexities by accepting their propositions. His final resolution, and one formed probably under the direction of the parties who had connived at his escape, was to go to the Isle of Wight†.

Charles withdrew from Hampton Court on the evening of the eleventh of November, and after riding with his attendants the whole of the night, which was dark and stormy, reached Sutton in Hampshire the next morning at day-break. At that place a relay of horses had been provided by sir John Berkeley and Mr. Ashburnham, the companions of his journey; but the king had no sooner reached the inn than he heard that a committee of the county was sitting there on the business of parliament, and, ordering his horses, he departed imme-

* Ludlow, l. 192. Rushworth, vii. Clarendon is referred to here, though fiction, adapted by his imagination to what really happened. In fact, to themselves to obedience, it required council of war, nine days later, "former passages, and desired to be in his council, which was approved, Ireton, colonel Tichborne, and were exhorted to unity and obedience."

a known patron of the levellers, was

† Berkeley, 163—166. Ludlow, ----, ----

The king
escapes from
Hampton
Court.

hastily. The royal party walked down the hill from Sutton, loading their horses, and conferring as to the best course to be pursued. Charles at length determined that Ashburnham and Berkeley should proceed at once to the Isle of Wight, and that, having apprized the governor, colonel Hammond, of the assurance the king had received from Cromwell and others concerning the dangers which threatened him at Hampton Court, they should express to him the confidence of the monarch in his readiness to serve him at such a crisis, either by affording him protection or favouring his escape. In pursuance of this arrangement, Ashburnham and Berkeley parted from the king to proceed toward the island through Lymington, while Charles, attended by Will Legge, made his way toward Titchfield, a seat belonging to the earl of Southampton, where he found a welcome reception*. Hammond listened to the communication of his visitors with distrust and alarm. He at length professed his readiness to receive the monarch, but it was in terms so cautious as to justify suspicion. The governor accompanied his guests on their return to Titchfield, where Ashburnham, leaving him with Berkeley and another military officer below, ascended to the king's apartment, and, stating what had passed, added that the governor was in the house, prepared to fulfil the pledges he had given. Charles, with that wavering judgment which he so often manifested during these vicissitudes, immediately laid his hand upon his breast, and exclaimed, "What! have you brought Hammond with you? then I am undone, for I can now stir no more!" Ashburnham was much affected on hearing this expression, and others to the same effect; but the king added, that things must now take the course they had assumed, and he so far suppressed his feelings, as to receive the governor with an air of cheerfulness and apparent cordiality†. The monarch, on his landing in the island, was lodged with much courtesy in Carisbrook castle; and the two houses were immediately apprized of his being there.

Four days subsequent to his landing in the Isle of Wight, Charles sent
 Hostility of the army to the king.
 Nov. 17. a message to the parliament, stating the reasons which prevented his consenting to the abolition of episcopacy, and to some other things proposed. About the same time Berkeley was sent to the head quarters of the army at Windsor, to ascertain from the officers whether, as they had succeeded in their attempt to subdue the spirit of the mutineers, they were now prepared to forward a settlement on the basis of their late propositions. His communication was made to a council of officers, but was received in a

* Berkeley, 168, 169. Ashburnham, 112—114, ed. 1830.

† Ludlow, i. 185—190. Rushworth, vii. 874. Journals, Commons, Nov. 12, 13, 15. Berkeley, 176, 177. Ashburnham, 113—119. Clarendon, Hist. v. 488—492. The pledge which Charles instructed his messengers to obtain from Hammond was, that neither himself nor his attendants should be delivered up to the parliament. But it is certain that he had much more to apprehend from the army at this time than from the parliament.

manner which gave no promise of success; and when Berkeley inquired privately with respect to the cause of this marked change in the disposition of the military leaders toward an agreement with his master, he was informed, that though the spirit of mutiny had been curbed in the late meeting at Ware, more than two-thirds of the army had since found means to assure their officers that they adhered to the principles avowed in "the agreement of the people," and that they would spare no effort to bring the remainder to their views; and, it was added, that these communications, which had been made by one regiment after another, had so far intimidated the more moderate men in the council of officers, that even Cromwell had confessed himself in fault, in having gone so far in his endeavours to promote an agreement with the king. It was also stated, that the leaders in this disaffection had formed a resolution to bring the king to trial, and that many trembled to think of what might in that case ensue *.

The parliament, in answer to the letter received from the king, determined that four bills, relating to the most material points at issue, should be submitted for his assent, and that a treaty should be commenced to settle the minor questions which remained. The first of these bills provided that the command of the military should be vested in the parliament during the next twenty years, together with a power of resuming that command even after that period, whenever the two houses should deem such a proceeding necessary to the safety of the kingdom; the second required a proclamation to be issued, justifying the acts of the parliament in the late war, and making void all declarations to the contrary; the third called upon the king to annul all patents of peerage of a date subsequent to the removal of the great seal from London in 1642, and declared that peers created in future should not have the power of sitting and voting in parliament without the consent of the lords and commons; and the fourth gave the two houses the power of adjournment from place to place, and from time to time, at their own pleasure †.

The answer of the king was, that nothing which he had hitherto suffered, or could at present apprehend, would induce him to give his assent

* Rushworth, vii. 880—883. Berkeley, 170—184. The king, in the language of Cromwell, "could not be trusted." The army was more thoroughly persuaded of that fact than himself; and these two circumstances at once determined the conduct of Cromwell and the fate of the monarch. *Ibid.*

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to these preliminaries so long as the matters which were to follow remained undetermined. Charles appears to have been disposed to this course, partly by his fear that the parliament might not be able to make good its overtures against the less friendly temper of the army; and still more by the interference of the Scotch commissioners, who assured him that Scotland was willing to forego her absolute demands on the matter of the covenant, for the sake of a peace with him, and in order to prevent the affairs of the country from passing into the hands of the independents. In fact, a treaty to this effect was signed at Carisbrook, before the king returned his answer to the two houses *.

When Charles despatched that message, it was in the hope of being able to make his escape, and, by placing himself at the head of an army of covenanters and royalists on the borders of the two kingdoms, to accomplish by a second war what he had failed to achieve in the first. But every attempt so far to elude the vigilance of Hammond was without effect, though the monarch found means of frequent correspondence with his family and adherents †.

Parliament, on receiving his message, decided that no further address should be made to him, and the army pledged itself to support the two houses in that resolution; and, with a reference to the conduct of the Scots, it was declared that all persons making an overture to the monarch without consent of parliament should be liable to the penalties of high treason ‡.

But while the feeling both of the army and of the parliament was becoming more and more hostile to the king, a deep sympathy with his sufferings, and a disposition to make large concessions to his wounded feelings, spread themselves to an unprecedented extent among the mass of the people. Hitherto it was felt, that, though the war had terminated, the objects for which it had been waged were but very partially secured; and that instinctive sentiment of loyalty, which in old monarchical governments is so prevalent and powerful a feeling with the great portion of the community, was naturally strengthened by this deferring of long-cherished hopes, and not less by the weight of those burdens, which, in consequence, continued to press on all classes of the people §.

* Charles's Works, 261—263. Memoirs of Hamiltons, 330, 334. Clarendon, v. 507—509.

† Ibid. 509—511. Herbert's Memoirs, 187. Ashburnham, 121—123. Rushworth, vii. 984, 1002. Berkeley, 79—91.

‡ Journals, Commons, Jan. 3, 11, 15. The vote for declining all further negotiation with the king passed in the commons by a majority of 141 against 92, in the council of officers unanimously. Rushworth, vii. 953, 961, 965. The commons issued a declaration of the reasons which influenced them in this proceeding. Ibid. 998—1000. It treats of the king's faults from his accession, and dwells particularly on the fact that seven distinct overtures for peace had been made to him without success.

§ May's Breviary. "The king was more formidable this summer than in any

In the mean time, Scotland was the scene of greater and more manifest excitement. An army of almost any extent might have been conducted to a new war in England, had the king given his absolute assent to the covenant; but his promise to the commissioners at Carisbrook merely went to the establishment of presbyterianism for three years, with the reserve of a right to dissent from it on his own part, and on the part of others. Hamilton placed himself at the head of those who were willing to prosecute a war against the English sectaries, and to restore the king, even upon these terms. This proposal was carried by a small majority in the estates of the people, and by one still smaller among the clergy. But the greater part of the community denounced their commissioners, as having made an agreement with the king contrary to their instructions and their oaths, and demanded, as loudly as ever, that the adoption of the covenant by the monarch should precede the slightest movement in his favour*.

The treaty at Carisbrook was signed in December; but it was not before the following July that Hamilton crossed the borders with the promised army of covenanters. During this six months the English royalists had spoken and acted with fearlessness and vigour in many parts of the country. They possessed themselves of Pembroke castle and Chepstow, and besieged Carnarvon. This insurrection was suppressed by Cromwell; but Fairfax was summoned to contend with one more formidable in Kent. Five ships of war, at anchor off that county, had declared themselves for the king, and, choosing their own commander-in-chief, had sailed to the Hague in search of the young duke of York. Fairfax defeated a party of cavaliers at Maidstone; but Goring, earl of Norwich, soon appeared with another body on Blackheath, and would have thrown himself upon the aid of the king's friends in the city, had the authorities consented to open its gates. Disappointed in that object, he marched from Blackheath to Colechester, which he defended with vigour, mainly in the hope of dividing the strength of his opponents, and, by that means, of facilitating the advance of the army expected from Scotland. While the independents were thus employed in the field, the presbyterians recovered their ascendancy in the senate; and much discussion ensued on the subject of new proposals to be made to the king. Many petitions were presented, praying that the king might be brought back to London; insurgent multitudes appeared in the capital and other places, whose cry was "God and the king;" and the parliament was so far controlled by this returning feeling in favour of royalty, as to declare

other when he was followed by his strongest armies. The pity of the vulgar gave majesty to his person." Ibid. 143.

* Memoir of the Hamiltons, 339, 347, 353. Baillie, ii. 280, *et seq.* Rushworth, vii. 1031—1132, *passim.* Breviary, 148, 149.

that the government by king, lords, and commons, should not be changed*.

So unsettled was the state of England when it was announced that Hamilton had entered the kingdom at the head of thirty thousand men. His followers proved to be not quite two-thirds of that number; but they were joined by four thousand English royalists under Sir Marmaduke Langdale, and included a considerable body of experienced soldiers from the service in Ireland. The English army under Cromwell and Lambert, which met the invaders near Preston, did not much exceed seven thousand; but the victory of the following day justified the confidence which they placed in their discipline and valour. In the conduct of Hamilton, there was the unsteadiness and inefficiency on that day, which had marked all his recent movements. The battle lasted six hours, but was maintained chiefly by the cavaliers, who fought with the courage of men sensible that their all depended upon the issue of the struggle. As they retreated from one position to another, they called often, but in vain, on their new allies for help and ammunition; and when they sought their last shelter in the town, all was lost. Hamilton, and the greater part of the Scots, were made prisoners; the unfortunate cavaliers disbanded in Derbyshire; and Langdale, escaping in disguise to the neighbourhood of Nottingham, was there taken†.

The battle of Preston was fought on the seventeenth of August, and ten days later, the garrison of Colchester, after enduring greater hardships, and evincing greater determination, than any body of men since the commencement of the civil war, was compelled to surrender. The terms were, that the privateers should retire unmolested, but that the town's people should be subject to a fine, and the officers be left to the discretion of the besiegers. Among the royalist chiefs who became prisoners on these conditions, were Goring, Capel, Loughborough, and Sir Charles Lucas.

At the commencement of this second war, a resolution had passed May 11. in the parliament, which declared that no quarter should be given to the persons found in arms on the pretence of serving the king. Two years had passed since a war waged against the king had ended in making him prisoner; and as the parliament was now, in fact, the great

* Rushworth, vii. 1016—1120, *passim*. Breviary, 149—150. The royalists assembled in Wales amounted to eight thousand; the rising in Kent was carried on by "more than twenty knights, esquires, and gentlemen of the county." Ibid. Goring's party consisted of about two thousand.—Journals of Lords, x. 243—304, *passim*. Commons, April, May, June, and July. Whitelocke, 299—310. It was at this crisis that the presbyterians passed their memorable ordinance against blasphemy.

† Memoirs of the Hamiltons, 855, *et seq.* Rushworth, vii. 1237, 1238, 1242. Journals of Lords, x. 455—458.

authority of the nation, all men taken in arms against it were to be treated as rebels, and became liable to the penalties of treason *.

A council of war was accordingly convened at Colchester, on the fate of the leading delinquents who had now become prisoners ; and it was determined that, in consequence of the innocent blood which they had caused to be shed, three of their number should suffer death, two of the condemned persons being Sir Charles Lucas and Sir George Lisle. Capel, and several others, generously declared that they were themselves as guilty as the men doomed to die, and requested to share in their fate. But the council adhered to its decision. Lucas, making bare his chest, shouted in defiance, " Fire, rebels !" His body fell lifeless ; Lisle embraced it affectionately, and, turning to the soldiers, bid them approach nearer. One of them said, " Fear not, sir, we shall hit you." He replied, " I have been nearer to you, my friends, and you have missed me." This sanguinary deed, whoever may have been its great mover, attaches indelible disgrace to all who were parties to it. The royalists had descended to many acts of cruelty ; but this proceeding was without parallel in the history of the civil war. After the ordinance of the eleventh of May, these sufferers might have been dealt with by the civil power as traitors, with as much appearance of justice as was usually attendant on state prosecutions ; but their death, inflicted under such circumstances, could not fail to exhibit them, in the view of dispassionate men, as the victims of revenge, and the martyrs of loyalty †.

It was with great difficulty that Hamilton had prevailed on the estates in Scotland to concur in the proposed invasion of England ; Cromwell in and the news of his defeat at once turned the scale against Edinburgh. him in that country. Argyle, his great opponent, took possession of the government. Cromwell himself soon made his appearance in Edinburgh, and, having done what was considered expedient to secure the ascendancy of the party of Argyle, contented himself with procuring that no person who had taken arms against the English parliament should be deemed eligible to any place of trust or emolument ‡.

From the extent and the determination of the efforts which were made during this summer in favour of the king, it is manifest that the presbyterians, in proposing so considerable a reduction of the army, must have been insincere, or have been almost entirely ignorant of the feeling of the country which they aspired to govern. The army in which, according to their policy, it would have been necessary to confide at this juncture, must have been one having its discipline and valour in a great degree to acquire, and one, in consequence, that would, in all probability, have been speedily

* Journals of Commons, May 11. Ludlow, i. 224, 225.

† Rushworth, vii. 1235—1244. Clarendon, vi. 99—101.

‡ Rushworth, vii, 1295, 1296.

Death of Lucas and Lisle.

State of parties in England.

subdued by the English royalists alone. The assistance of Scotland was hailed by this party, because they persuaded themselves that the power of the cavaliers, under any circumstances that could now occur, must be less difficult to control than that of the independents. During nearly the whole of this summer, the two parties in the commons were very nearly balanced; and the votes recorded frequently indicate alternate fears on the part of the presbyterians, with respect to the royalists in the one extreme, and the republicans in the other. It was at this time that Skippon, who, notwithstanding his moderation in such matters, had been generally regarded as a presbyterian, gave the weight of his character and experience to the side of the independents. At the same time, the party which he left were sensible that the monarch was looking forward to the expected rising in England, and the invasion from Scotland, with feelings which promised much more to the bishop than to the presbyter; and their main hope was, that, the pride and power of the independents being once broken, numbers would suffice, in their own case, to extort important concessions in their favour.

But by a series of actions, which the bravest and the most disciplined army in Europe could alone have achieved, the risings in the south were suppressed, and the invasion from the north was made to end in the subjection of the invaders. The presbyterians, however, continued to flatter themselves with having acted prudently, inasmuch as this double overthrow of the royalists must serve to destroy all hope in the king of assistance from his more immediate adherents, while the avowed hostility of the soldiery must show that from them he had everything to fear,—leaving him no prospect of regaining his throne, except by such a concurrence with the overtures of the presbyterians as should unite them entirely in his favour, and enable them to resist the machinations and the power of his more relentless opponents.

Such was the condition and temper of parties, when, the vote of non-addresses being repealed, further negotiation was entered upon between the parliament and the king. This treaty, known by the name of the treaty of Newport, was based upon the propositions which had been submitted to the monarch at Hampton Court; and Charles, after many attempts to evade or modify the proposals of the parliamentary commissioners, assented to the whole, with the following exceptions only:—that the office of the bishops should be suspended for three years, but not abolished; that the episcopal lands which had been sold should be reclaimed, at the farthest after ninety-nine years; that an act of indemnity should be passed in favour of his followers, without exception—so far as to admit the most obnoxious of the excepted persons to compound for their offences; and that the adoption of the covenant should not be enforced either in his own case, or in that of any other person. The large demands of the presbyterians in this treaty with regard to civil liberty, were prompted

Treaty of
Newport.

Sept. 1.—
Nov. 23.

in part by the manifest necessities of the king; and in part by the conviction that more moderate terms would only serve to give the appearance of justice to the invectives of the army, when describing them as unmindful of the great objects for which the war had been maintained, so long as their own party purposes were realized*.

But it soon became evident that the army and the party which adhered to it in the city were not disposed to an agreement with the king even upon his full acceptance of the propositions now submitted to him. A petition was presented to the commons from "thousands of well-affected persons in and near London," which, while it recognised the monarchy and the peerage, deprived them of nearly all their privileges, and prayed that the parliament "would lay to heart the blood spilt, and the infinite spoil and havoc that had been made of peaceable, harmless people, by express commission from the king, and to consider whether an act of oblivion was likely to satisfy the justice of God, and to appease his remaining wrath."

Menacing language concerning the king.

Sept. 11.

The course of proceeding thus suggested from the city was dwelt upon, with the greatest confidence in its rectitude, by one to another in the army†. It was commonly said that the land had been defiled with blood, and could not be cleansed but by the blood of him who had shed it; and petitions were presented to Fairfax from the regiments under Ireton and Ingoldsby, which urged that "impartial and steady justice should be done upon all criminal persons, that the same course should be taken in the case of king or lord, as in that of the poorest commoner; and that all persons who should speak or act in behalf of the king, until acquitted of the charge of shedding innocent blood, might be proceeded against as traitors." This petition was presented on the eighteenth of October. On the twentieth of November, a remonstrance, adopted unanimously by the council of officers, was presented by a deputation from that body, and recommended to the attention of the house by Fairfax, in which it was urged that the present treaty with the king should be abandoned, and that judicial proceedings should be instituted against him, on account of the evils done by him; that the monarchy should be elective; that future parliaments should be annual or biennial, with a sure provision for their being regularly convened; that the elective franchise should be rendered more general and equal; and that no monarch should be allowed a negative voice on bills‡.

The presbyterians, when these demands came before them, opposed them with courage and perseverance, and on a division exhibited a large majority. They knew the feeling of the country to be against such

* Clarendon Papers, ii. 425—429. Lords' Journals, x. 478, *et seq.* Whitlocke, 335—337. See p. 493 of this volume.

† Whitlocke, 330, 331.

‡ Rushworth, vii. 1297, 1298. 1311. 1331. Parl. Hist. iii. 1077—1127.

extreme measures; and they hoped, by a speedy agreement with the king, to overwhelm the abettors of them with confusion. But the military leaders were not ignorant that such was the policy of their opponents, and they adopted means for the greater security of the king's person. Nor could Charles avoid seeing the danger which threatened him. He accordingly, as in the eleventh hour, consented, with still smaller modifications, to the most obnoxious of the propositions from the two houses. He did not agree, even at this time, to abolish episcopacy, or to alienate its wealth for ever, but he allowed the restoration of them to be matters dependent on the pleasure of parliament*.

Charles, in parting from the parliamentary commissioners, expressed his fears that what he had now done would prove to have been done too late†. On the following morning news was privately conveyed to him that an armed force was on its way to make him prisoner. His attendants entreated him to consult his safety by an immediate escape; but he spoke of his promise to wait twenty days for the answer of parliament; of his pledge not to break the parole which had been granted to him; and clung to so many sources of hesitation, that night came, and, instead of flying for his life, he retired to his chamber. About midnight the expected force arrived; early in the morning the king was summoned to leave his present lodgings; and in the course of that day was committed a prisoner to Hurst Castle, an edifice standing on a low projecting piece of land, joined by a narrow causeway to the coast of Hampshire‡.

The removal of the king from Carisbrook was on the thirtieth of November. On the day preceding, a declaration was issued by the officers, which described the majority of the parliament as consisting of men who, in the possession of power, had ceased to value their principles, and set forth, in obscure, but significant terms, the high trust which at this extraordinary crisis had been committed by the manifest will of Providence to the army. On the second of December, Fairfax appeared at Whitehall, followed by several regiments, which he quartered in the neighbourhood. These threatening appearances did not deter the presbyterian members from assembling, nor from expressing their censure of the conduct of the army in the strongest terms. The debate

Dec. 5. which took place on the king's answer extended over three days, and until the morning of the fourth, when it was

* Whitelocke, 351. Parl. Hist. iii. 1025—1137. Clarendon Papers, ii. 449—454. Had Charles consented to these propositions at once, instead of allowing them to appear as matters wrung from him by an obstinate negotiation of three months, he might still have been restored. But by the close of that interval the army was in circumstances to carry its measures against him.

† Evelyn's Memoirs, ii. App. 128.

‡ Rushworth, vii. 1344—148. Herbert's Memoirs, 113—122. Whitelocke, 352, 353.

declared to be satisfactory by a majority of forty-six, in a house of two hundred and twelve*.

The men who had resolved on entertaining no further thought of an agreement with Charles Stuart, were not likely to be reconciled to such a proceeding while listening to the invectives which were directed against them by their opponents throughout this memorable debate. The day after it had closed, Skippon discharged the city trained bands from acting as a guard to the two houses, and supplied their place by a regiment of foot under the command of colonel Pride, and a regiment of cavalry under colonel Rich. Colonel Pride placed himself near the door in the lobby, soon after the speaker had taken the chair, for the purpose of ordering certain obnoxious members as they arrived, and others as they came out, into custody. Thirty-nine were placed under restraint on the first day, some additions were made to that number on the second, others withdrew from the neighbourhood, and the house, which had included three hundred and forty members some days before, was reduced to little more than a seventh of that number. This fragment of the national representation was afterwards distinguished by the name of the "rump" parliament†.

On the day following this purification of the commons, as it was called, Cromwell completed his march from Edinburgh to London. He spoke with approbation of what had been done. In the royal apartments at Whitehall, a congratulatory address was presented to him from the lower house, on account of the eminent services which he had rendered to his country; and the loud acclamations of the soldiers bespoke the restoration of perfect confidence between them and their general. The small body of representatives

Members excluded by the military.

Dec. 8.

Cromwell returns from Scotland.

* Parl. Hist. iii. 1137—1240. Prynne published the speech which he delivered on this question, and states in the preface that the debate of the last day extended from Monday morning until nine o'clock on Tuesday morning, about 340 members being generally present during the day, that number having diminished to 244 in the course of the night.—*Ibid.* 1239. Rushworth, vii. 1241—1250.

† Whitelocke, 354. Commons' Journals, Dec. 6, 7. Prynne, with his usual spirit, protested loudly before the bystanders against the conduct of the military, adding, "that they were more and stronger than he, and all armed, and he unarmed, and that they might forcibly carry him whither they pleased, but stir he would not of his own accord." He was, in consequence, confined in an adjoining room, called the Queen's Court. The members of the house were called out by false cards, and seized, held fast by the door, and, with his head against the wall, he knew whether the house could sit still and thus violently before their faces." To add to their confinement, some were confined during the night in a common guard. Most of them were released some day for their confinement being assigned. The number was 47, the excluded, 96—diminishing the house to 143. These proceedings seldom or never appeared in 1249. Rushworth, vii. 1256, 1260.

who now constituted the house of commons reversed all the late proceedings in favour of a treaty, and returned to the vote of non-addresses. In the mean time the leading officers were watched with some jealousy, and urged to the most daring expedients by their inferiors, who were in nearer communication with the soldiery. On the other hand, the royalists were never so desperate; assassination appears to have been extensively meditated; colonel Rainsborough, an officer of great influence among the republicans in the army, was murdered by a party of cavaliers, who forced their way into his bed-chamber; and the greatest precautions were deemed necessary to protect the lives of others*.

The reasoning of the council of officers at this crisis was, that, had they allowed the treaty of Newport to take effect, and the king, in virtue of it, to return to London, this bursting indignation, which had proved fatal to Rainsborough, would no doubt have broken forth in many similar acts of violence; and, what was more to be feared, the disbanding of the army, as another consequence of that event, would in all probability have been followed by the ascendancy, first of the presbyterians, and then of the royalists, and, in both cases, by the return of an ecclesiastical, if not of a civil government, in substance the same with those against which the war had been waged from the beginning. The known maxims, and the present passions, both of the royalists and of the presbyterians, were not, they said, to be trusted; and of late they had found as much in the conduct of the latter as in that of the former to justify their displeasure. These, they affirmed, were the considerations which had led to the exclusion of the late members from the commons, and which constrained them to think of some decisive measure which should free them for ever from all dependence on the king.

But how was this freedom to be obtained? The king, it was said, might be deposed, and doomed to spend his remaining days in captivity; but his opponents could not fail to see, that, with the monarch in such circumstances, it would be vain to expect any permanent quiet among his adherents. His removal by assassination is said to have been spoken of, but to such a course, if really proposed, few could have been reconciled. His death by a judicial process, it was argued, would not only be free from the impolicy of the first expedient, and the baseness of the second, but

* Whitelocke, 335. 341. 355, 356. Commons' Journals, Dec. 8. Rushworth, vii. 1279. 1315. 1349. 1362. The murderers of Rainsborough hoped to have secured him as a hostage, it is said, for the purpose of extorting a lenient treatment of the captive royalists. He resisted, and they put him to death. Clarendon describes the affair as the "noble attempt" of a "gallant party." vi. 119—122. "A captain of the army and a major were in like manner assaulted in London, and both killed. It was dangerous for any members of the house or of the army to walk without company, for fear of being assassinated: and the committee of Derby-house was informed that a certain number of the king's party had combined to massacre eighty members of the house of commons, whom they suspected adverse to their hopes." Whitelocke, Sept. 30.

would furnish a memorable lesson on the accountableness of kings, and would declare to the world their own conviction of the rectitude of their conduct. This last method of proceeding was strenuously urged by colonels Harrison and Ireton*.

But these reasonings in support of so extraordinary and awful a proceeding were not found without being sought after; and they would not have been sought after, had not a deep aversion to the king, and a settled distrust of his sincerity, taken possession of the minds of these men, and created, in their view, a necessity for going to so great a length. It is in these circumstances that we must find our explanation of the conduct of such men as Ludlow and Hutchinson, in passing with so much satisfaction through forms of justice in regard to the monarch which exhibited so gross a mockery of its spirit. The regicides declared that they were supported in their conduct by the voice of the people of England, and in proof of this assertion they appealed to certain votes of the house of commons which had instituted the high court of justice for the trial of the sovereign, and had prescribed its course of proceeding; and this appeal they made, though they knew that their swords had been employed in so signal a manner to render that house the voice of their faction, rather than the voice of the people.

In the army there had always been persons who were not governed by religious principles, but rather, in some instances, by sentiments of an opposite description,—men who fought for general liberty, and for liberty of conscience as being a part of it. With such men, the question concerning the disposal of the king was simply one of social expediency, and the reasonings which influenced them, derived principally from the maxims of the ancient republics, were perfectly familiar to the men of every guard-room in the kingdom, and probably did as much as the interpretation given to certain passages of Scripture toward deciding the fate of the unhappy monarch. Ludlow, who laid much stress on the command of Scripture regarding the capital punishment of those who were the occasion of bloodshed, as though somewhat aware of the doubtful character of this argument, speaks of the obligation to inflict such punishment as was made imperative in this case by the duplicity and obstinacy of the king, which, he affirmed, were such as to render any accommodation with him “unsafe to the people of England †”.

The act of the commons, which gave existence to the tribunal for proceedings against the king, was followed by an ordinance which declared the conduct of Charles Stuart, in his having appeared in arms against the parliament, to be treason, and limited the inquiry of the

* Clarendon, Hist. vi. 224—227.

† “A day of humiliation kept by the officers, for the atheism and profaneness which had crept into the army.” Whitelocke, Sept. 27, 1649. Ludlow Mem. i. 267. It should be added, that petitions calling for proceedings against the king on these grounds were sent from various parts of the country. Rushworth, vii. 1372. 1391. 1395. *et alibi*.

court to the fact of his having so appeared. The lords could not be induced to concur in this measure; Fairfax, who, for some time, had been more frequently led by the judgment of others than capable of trusting his own, refused to act with his colleagues in this proceeding, and even Cromwell is said to have shown signs of hesitation*.

But on the twentieth of January the commissioners made their appearance in the part of Westminster Hall which had been prepared for their reception. The president of the court was John Bradshaw, serjeant-at-law. The commissioners, sixty-six in number, took their seats on either side the chair, upon benches overlaid with scarlet cloth and raised slightly one above another. Before the chair of the president was a table, upon which the mace and a sword were exhibited. At the end of the space between the opposite benches of the commissioners, and fronting the throne of the president, was a crimson velvet chair provided for the king. There was also a gallery, to which spectators were admitted; and the neighbourhood and avenues of the court were crowded with soldiers and the populace. The commissioners consisted of members of the house of commons, officers of the army, and citizens of London †.

Charles had been removed from Hurst Castle to Windsor a month ago, where he had seen and heard enough to make it probable that such scenes were awaiting him. Still, with his usual confidence in the sacredness of his pretensions, he had continued to persuade himself from day to day that some interference would take place to prevent matters from passing to such extremity as seemed to be before him ‡. But the Scots were found incapable of rendering him any assistance; and the continental states all proved deficient either in the inclination or the power to serve him; while at home, his adherents were so scattered and subdued, that no help could be derived from that quarter. The day of trial accordingly arrived, and Charles found himself defenceless in the hands of his opponents. On that day he was removed in a sedan chair from Whitehall to the house of sir Robert Cotton, near the west end of Westminster Hall—King-street, and the Palace-yard being lined with military. His only attendant was sir Thomas Herbert, who walked beside him uncovered. At Cotton-house, the monarch was received by a guard of soldiers under colonel Hacker, and, at the call of the serjeant-at-arms, was led to the door of the hall. He was then conducted to the chair provided for him, and presently rising, still covered, he looked round on the court, with an air which his judges regarded as expressive of contempt and defiance.

* Rushworth, vii. 1370. 1373. 1379, 1380. 1382—1384. 1387.

† Rushworth, vii. 1395—1398.

‡ “ Letters from Windsor, that the king was cheerful, and took no notice of any proceedings against him as to his trial, and saith that he doubts not to see peace in England within six months; and, in case of not being restored, to be righted from Denmark, Ireland, and other places.” Whitelocke, Jan. 2. Herbert’s Mem. 155. 157. Leicester’s Journal, 48.

In the charge against him, the king was described as a "tyrant, traitor, murderer, and implacable enemy to the commonwealth of England,"—and a smile was observed to pass over his countenance as he listened to the reading of these words. In proof of these accusations, it was alleged that the prisoner had been intrusted with a power limited by law, and to be exercised for the good of the people of England, particularly for the preservation of their rights and liberties; that, instead of so employing the power committed to him, he had endeavoured to introduce an absolute power in its place, and to deprive the people of their only remedy against bad government provided by those fundamental principles and usages of the constitution which declare their right to be convened in the persons of their representatives in frequent parliaments, and which determine the powers that should belong to such assemblies; and that the said Charles Stuart, in support of the power thus assumed to himself and family, and contrary to the common interest and liberty of the people of England, had levied war on the parliament, and caused the blood of many thousands to be shed*.

The charge being read, the president called on the accused to answer. But Charles refused to acknowledge the authority of the court. He denied that his judges sat before him by delegation from the parliament, the concurrence of the lords and of the crown being necessary by law to every proper act of the parliament of England. He could see no kind of legality in the power which brought him there. His power as a sovereign, he maintained, was a trust committed to him by God, and he would not relinquish what it behoved him to transmit unimpaired to his posterity, by acknowledging any tribunal unauthorized by law. Thus three days passed—the king objecting to the authority of the court, and the court refusing to take cognizance of such objections. The result was, that the court recorded his refusal to plead, and proceeded to the examination of evidence for the purpose of pronouncing its sentence, though no defence had been heard†.

Three days had been occupied with the trial, and three with the forms of hearing evidence, when Charles was brought again into court to hear his sentence. The king now desired that he might be permitted, before judgment was pronounced, to address himself to the two houses, as he had somewhat to communicate to them which greatly concerned the peace and liberty of the kingdom. At the request of one of the commissioners, the court retired to deliberate on this proposal, but returned in somewhat more than half an hour, stating that "what the king had proposed tended to delay; but if he would speak anything for himself in the court, before sentence, he might be heard." Charles replied that he had nothing to say, and sentence was accordingly given. It was argued, that the conduct

Judgment
pronounced
against him.
Jan. 27.

* Ibid. 1396—1398. 1415. Whitelocke, 365. Warwick's Memoirs, 376—379.

† Rushworth, vii. 1399—1415. Whitelocke, 365, 366.

of the court, had it consented to refer the question with respect to the disposal of the king's person once more to the lords, would have been an abandonment of the ground which the commons had assumed some weeks before, and a virtual relinquishment of its own authority; and it was natural to add, that if it was the intention of the king, as was afterwards stated, not to have proffered frivolous things merely to gain time and breed division, but to surrender his crown in favour of his son, it surely was not necessary to have the two houses before him, in order to make such a proposal with all the advantage that could attach to it. It is not impossible, however, that the refusal of the commissioners may have led the monarch to conclude, that even such an overture, matters having proceeded so far, would have been without effect; though it certainly would have had this effect—that, while it could have been no sacrifice to him, it would have served to put his opponents more than ever in the wrong*.

Throughout these trying scenes, Charles conducted himself with a composure and a natural dignity, which even his opponents were constrained to admire†. His parting from his children, the princess Elizabeth, in her thirteenth year, and the duke of Gloucester, in his ninth, was an affecting sight to those who witnessed it. By the intercession of Hugh Peters, the notorious army chaplain, Juxon the bishop of London was allowed to attend the monarch in preparing himself for his appearance before a higher tribunal. On the night before his death, the king slept soundly about four hours; and early the next morning bestowed more than usual attention upon his dress, observing that it was his second marriage day, and adding, that he feared not death, but hoped to be espoused to his “blessed Jesus” before night‡.

About ten o'clock, he was conducted from St. James's to Whitehall, in front of which the scaffold had been prepared. Having spent nearly two hours in prayer, or discourse, with bishop Juxon, a messenger was admitted, to present a letter to the king from the prince of Wales, which apprized the monarch that his son had sent a blank paper to Fairfax, that it might be filled up with such conditions as the general should consider a sufficient price for the life of his father§.

* Rushworth, 1416—1425. Whitelocke, 367, 368.

† “And yet, as he confessed himself to the bishop of London that attended him, one action shocked him very much; for, whilst he was leaning in the court upon his staff, which had a head of gold, the head broke off on a sudden; he took it up, and seemed unconcerned, but told the bishop, ‘it really made a great impression on him; and to this hour,’ said he, ‘I know not possibly how it should come.’”—Warwick, 380.

‡ Whitelocke, 368. Warwick, 381, 382. Herbert. 169—180.

§ Warwick, 383, 384. Ellis's Original Letters, iii. Journals, Commons, Jan. 26. The delay which took place between the king's arrival at Whitehall, and his proceeding to the scaffold, is supposed, with much probability, to have been occasioned by the arrival of this communication. Lingard, x. 455. Fairfax, and many of the leading officers, were not present at the execution; and the general is be-

The monarch had scarcely concluded the instructions which he wished to be conveyed to the prince, when the fatal summons was announced. The countenances of the soldiers, through whose ranks he passed, bespoke their compassion with his fate, rather than any feeling of triumph over him. At the end of the galleries, he passed to the floor of the scaffold through an opening made in the wall. At some distance before him were the block, the axe, and the executioner in a mask. The platform was hung with black; around it were several lines of infantry and cavalry; and in the distance, an immense multitude of spectators. The distance to which the people were removed prevented the king from addressing himself to them; but he delivered a short speech to those who were near him. He declared that he forgave all who were concerned in bringing him to such an end; that he did not consider the sentence passed upon him as approved by the parliament or the people of England; that, though he had not been without his faults, particularly in consenting to the death of Strafford, he would declare that the whole guilt of the late war rested with his opponents; that before God he could aver it had never been his intention to encroach on the privileges of the two houses; and that happiness would never return to the people of England, for whose happiness he was as truly anxious as any man, until a king should be among them, possessed of the powers which belong to him by law; until the church should be restored according to law and scripture; nor until men should learn to admit that "sovereign and subject are clean different things," all government being a matter belonging to the former, and "in nothing pertaining to the latter." Having expressed these sentiments, and again conversed for a short time with Juxon, the monarch laid his neck upon the block, gave the appointed signal, and at one blow the head was severed from the body*.

Such was the end of Charles the first,—a prince whose character, like that of all the great parties who were active in his reign, is not to be learnt from the extravagant commendation bestowed upon it in some quarters, nor from the indiscriminate censure to which it is subject in others. In his person, this monarch was of a middle stature, and well proportioned. His habits were sufficiently active to have rendered him capable of bearing much fatigue, and of making, upon occasions, vigorous exertion. His features were rather handsome than otherwise. His fair complexion in early life, was considerably darkened in his later days; and over the whole countenance there was a shade of thoughtfulness, which gave it an air of

lieved to have been kept in ignorance of the immediate preparations for it until it was over. That he was detained by the officers at a meeting for prayer and conference upon the proceeding, until it was concluded, is not proved; but the excitement and fanaticism which led to the deed, and which became the more intense as its hour approached, were such as to have left little room for surprise even at such an occurrence. Herbert, 194.

* Rushworth, vii. 1428—1430. Herbert, 192. 193.

melancholy—an aspect, however, which seems to have been derived, more from the manner in which he was accustomed to regard the past or the present, than from any want of sanguine feeling in relation to the future. Charles gave many proofs of courage; but this virtue, from the want of being guided by a more sound discretion, frequently partook, in civil affairs, of the nature of rashness. There was also much dignity in his demeanour, but coupled generally with a coldness and reserve, which was repulsive to strangers, and tended to keep up a stately distance between him and the persons who were most in his confidence. His temperance and chastity—when we call to mind the scenes with which he had been familiar in his youth—will appear among his most praiseworthy qualities; and his economy, without descending to meanness, or bordering upon avarice, was a marked improvement upon the example set before him by his predecessor. Nor could this prince be charged with cruelty, except in a few cases, when his favourite objects were opposed in a manner to affect his resentments in a greater degree than was in the power of the ordinary course of affairs. In all these respects, had his lot been cast in private life, Charles the first might have obtained general esteem; but while a stranger to adversity, there would have been little in him in that condition, any more than in his real history, to have made him an object of affection.

In religion, the defects of his character were more manifest, in consequence of the degree in which his views on that subject were connected with superstitious feeling and with the maxims of intolerance. But his ruling passion was a love of arbitrary power. Not that he was intent on exercising such power in the more extravagant acts of tyranny; but rather, after the example of the late king, that he might indulge in the consciousness of possessing it. One effect of this passion was to stimulate his efforts in support of episcopacy; and in the progress of his career, he became less and less scrupulous in the matters of truth and sincerity, whenever the gratification of this feeling was the end pursued. So earnest and so fixed was his desire to possess larger powers than the constitution had ceded to him, that nothing short of the constant pressure of necessity sufficed to keep him within those limits—the moment in which such pressure was withdrawn being that in which he always showed himself determined to resume whatever he had appeared to relinquish. Nor was it by such acts only that Charles taught his subjects to regard him as a prince not to be trusted. If he did not avow the favourite maxim of his father, that to rule by craft is necessary to ruling well, it is certain that he never ceased to act as though guided by that notion, his public declarations and proceedings, with hardly an exception, and even to the last, being contemporaneous with secret correspondence and negotiations by which they were falsified*. Even upon

* It is gratifying to be able to think that Charles did not die without perceiving

the scaffold, he expressed himself on the subject of popular government; in terms which show that he died as he lived, swayed by sentiments alien from the most essential elements of the English constitution.

So much more important had the middle class in England become during this reign, that the nation was in no temper to submit even to those more moderate exercises of the prerogative which had been sometimes resorted to by the less arbitrary of our princes; but Charles, in defiance of this spirit, was not content to take his precedents from some of the most lawless of his predecessors, but would have raised the exceptions supplied by such occasional exercises of the prerogative, into the place of the rule provided by the law. Concessions, indeed, were at length made, but these were granted so late, and with so much visible reluctance, and ill feeling, as must prevent any reflecting man from being surprised on finding that each in its turn became no more than a point from which still further demands were to be made.

But, while we deem these considerations to be of great weight, we do not mean to be understood as affirming that they constitute a sufficient ground for the severe proceedings adopted in relation to this unhappy prince. Vane, and St. John, and Algernon Sydney, were all of opinion, that, in the case of Charles the first, an act of deposition would have been a more just apportionment of the penalty to the offence. Yet who can read the account which Mrs. Hutchinson has given of the manner in which her husband proceeded to perform the part assigned him in this tragedy, and not do homage to the conscientiousness and feeling by which he was influenced. "As for Mr. Hutchinson," says this extraordinary woman, "although he was very much confirmed in his judgment concerning the cause, yet being here called to an extraordinary action, whereof many were of several minds, he addressed himself to God by prayer, desiring the Lord, that if, through any human frailty, he were led into any error or false opinion in those great transactions, he would open his eyes, and not suffer him to proceed, but that he would confirm his spirit in the truth, and lead him by a right-enlightened conscience; and finding no check, but a

something of the evil and impolicy of his conduct in this respect. In the end of the report made to the prince of Wales concerning the treaty of Newport, he writes, "So conclude, if God give you success, use it humbly, and far from revenge; if he restore you to your rights upon hard conditions, whatever your promise, keep. Do not think anything in the world worth obtaining by foul or unjust means." Clarendon Papers, ii. 449. It would be easy, however, to show, that the king's conduct, even in the treaty of Newport, was not in strict keeping with these instructions. See the papers in Clarendon, and Laing's History of Scotland, i. 368—373. In consenting to what was required by the parliament concerning the great seal, he says, "This part of the propositions, we understood, made not the grants under it valid, if they were not so before." The same sort of casuistry is confessed with respect to the article concerning Ormond and the war in Ireland. Ibid. His remark, that the treaty "would come to nothing," noticed by Mr. Laing, refers probably to the fact that, in consequence of the present temper and power of the army, to satisfy the parliament was no longer the great preliminary to a settlement.

confirmation, in his conscience, that it was his duty to act as he did, he, upon serious debate, both privately, and in his addresses to God, and in conferences with conscientious, upright, and unbiassed persons, proceeded to sign the sentence against the king. Although he did not then believe but it might one day come to be again disputed among men, yet both he and others thought they could not refuse it without giving up the people of God, whom they had led forth and engaged themselves unto by the oath of God, into the hands of God's and their enemies; and therefore he cast himself upon God's protection, acting according to the dictates of a conscience which he had sought the Lord to guide; and accordingly the Lord did signalize his favour afterwards to him."*

* Memoirs, ii. 158.

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